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# GENERAL LAWS

PASSED BY THE

# LEGISLATURE OF WISCONSIN

IN THE YEAR 1870,

TOGETHER WITH

JOINT RESOLUTIONS AND MEMORIALS.

*Published by Authority.*

MADISON, WIS.:
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1870.

) 1970

# LIST OF MEMBERS AND OFFICERS.

"SECTION 1. * * * There shall be prefixed to each volume of the laws hereafter published the names and residences of the several state officers, the senators and members of the assembly, and the presiding officer, and clerks of both branches of the legislature, at the time of the passage of such laws."—*General laws of* 1854, *chapter* 94.

## NAMES AND RESIDENCES

OF THE STATE OFFICERS, SENATORS, MEMBERS OF THE ASSEMBLY, PRESIDING OFFICERS AND CLERKS OF BOTH BRANCHES OF THE LEGISLATURE. IN OFFICE AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

| NAME. | OFFICE. | RESIDENCE. | |
|---|---|---|---|
| | | POST OFFICE. | COUNTY. |
| Lucius Fairchild | Governor | Madison | Dane. |
| Theddeus C. Pound | Lieut. Governor | Chippewa Falls | Chippewa. |
| Ed. F. Bryant | Private sec. gov. | Madison | Dane. |
| Ll. Breese | Sec'y of state | Portage | Columbia. |
| Thomas S. Allen | Ass't sec. of state | Madison | Dane. |
| Henry Bætz | State treasurer | Manitowoc | Manitowoc. |
| William Ketcham | Ass't state treas. | Richland City | Richland. |
| Stephen S. Barlow | Attorney general | Kilbourn City | Columbia. |
| John C. Spooner | Ass't att'y gen'l | Madison | Dane. |
| A. J. Craig | State sup't | Palmyra | Jefferson. |
| J. B. Pradt | Ass't state sup't | Madison | Dane. |
| George F. Wheeler | State prison com'r. | Nanaupa | Fond du Lac. |
| O. M. Conover | State librarian | Madison | Dane. |
| A. A. Meredith | Supt. pub. prop'ty. | Madison | Dane. |
| DIST. | | | |
| 22. Baldwin, George | Senator | Chilton | Calumet. |
| 18. Burchard, S. D. | do | Beaver Dam | Dodge. |
| 31. Butt, C. M. | do | Viroqua | Vernon. |
| 33. Clark, Satterlee | do | Horicon | Dodge. |
| 26. Davis, R. E. | do | Mendota | Dane. |
| 6. Deuster, P. V. | do | Milwaukee | Milwaukee. |
| 21. Fisher, Ira W. | do | Menasha | Winnebago. |

| NAME. | OFFICE. | RESIDENCE. | |
|---|---|---|---|
| | | POST OFFICE. | COUNTY. |
| DIST. | | | |
| 13. Gray, Hamilton H. | Senator | Darlington | La Fayette. |
| 25. Griswold, Wm. M. | do | Columbus | Columbia. |
| 24. Hall, John C. | do | Monroe | Green. |
| 16. Hazelton, Geo. C. | do | Boscobel | Grant. |
| 28. Ives, Edward H. | do | Trimbelle | Pierce. |
| 15. Joiner, Lemuel W. | do | Wyoming | Iowa. |
| 9. Kershaw, Wm. J. | do | Big Spring | Adams. |
| 30. Krouskop, George. | do | Richland Center. | Richland. |
| 5. Lynde, Wm. Pitt. | do | Milwaukee | Milwaukee. |
| 3. Morgan, Lyman. | do | Ozaukee | Ozaukee. |
| 8. Pettit, Milton H. | do | Kenosha | Kenosha. |
| 12. Pratt, Samuel. | do | Spring Prairie | Walworth. |
| 32. Price, William T. | do | Black River Falls | Jackson. |
| 19. Reed, George. | do | Manitowoc | Manitowoc. |
| 10. Rice, John A. | do | Merton | Waukesha. |
| 4. Schantz, Adam. | do | Addison | Washington. |
| 7. Stevens, Henry | do | Caledonia Center | Racine. |
| 14. Strong, Bannet U. | do | Spring Green | Sauk. |
| 1. Taylor, David. | do | Sheboygan | Sheboygan. |
| 20. Town, Hiram S. | do | Ripon | Fond du Lac. |
| 2. Walker, Lyman. | do | Ahnepee | Kewaunee. |
| 29. Waring, George D. | do | Berlin | Green Lake. |
| 27. Webb, Charles M. | do | Grand Rapids | Wood. |
| 17. Williams, Chas. G. | do | Janesville | Rock. |
| 11. Williams, Nelson. | do | Stoughton | Dane. |
| 23. Woodman, Wm. W. | do | Johnson's Creek | Jefferson. |
| Bingham, J. M., Speak'r | Member of Ass'mbly | Palmyra | Jefferson. |
| Abert, George | do | Milwaukee | Milwaukee. |
| Adams, J. M. | do | Oconto | Oconto. |
| Adams, John | do | Black Earth | Dane. |
| Bailey, Alexander | do | Salem | Kenosha. |
| Balch, Albert V. | do | Weyauwega | Waupaca. |
| Barnard, Henry C. | do | Avoca | Iowa. |
| Barnes, Henry W. | do | Wiota | La Fayette |
| Barth, John | do | Kiel | Manitowoc. |
| Basford, Luther | do | Glen Haven | Grant. |
| Beach, Carmi W. | do | Pardeeville | Columbia. |
| Bennett, Isaac M. | do | Evansville | Rock. |
| Bennett, Van S. | do | Rockton | Vernon. |
| Bertram Henry | do | Watertown | Dodge. |
| Blanshan, Jacob | do | Scott | Sheboygan. |
| Bliss, George W. | do | Mineral Point | Iowa. |
| Boyd, John | do | Fond du Lac | Fond du Lac. |
| Brick, Nathan | do | Milwaukee | Milwaukee. |
| Bullen, Winslow | do | Poynette | Columbia. |
| Burdick, Joseph C. | do | Berlin | Green Lake. |
| Burgit, William | do | East Troy | Walworth. |
| Burtch, Henry S. | do | Farmersville | Dodge. |
| Carthew, John | do | Rockville | Grant. |
| Cavanagh, Daniel | do | Osceola | Fond du Lac. |
| Chandler, Willard H. | do | Sun Prairie | Dane. |
| Chase, Enoch | do | Milwaukee | Milwaukee. |
| Clark, Isaac | do | Galesville | Trempealeau. |
| Crocker, John R. | do | Belleville | Dane. |

| NAME. | OFFICE. | RESIDENCE. | |
|---|---|---|---|
| | | POST OFFICE. | COUNTY. |
| Dewey, Wm. Pitt | Member of Assembly | Lancaster | Grant. |
| Dobbs, Jerry, Jr. | do | Ripon | Fond du Lac. |
| Dockry, Michael | do | Morrison | Brown. |
| Dresser, Samuel B. | do | Osceola Mills | Polk. |
| Duffy, Thomas T. | do | Benton | La Fayette. |
| Edgerton, Stephen R. | do | Grove | Walworth. |
| Fellenz, John | do | Milwaukee | Milwaukee. |
| Fitzgerald, Michael | do | Maple Grove | Manitowoc. |
| Foster, James H. | do | Koro | Winnebago. |
| Fowler, E. Adams | do | Columbus | Columbia. |
| Geisse, Charles | do | Taycheedah | Fond du Lac. |
| Gleason, Charles R. | do | Eau Claire | Eau Claire. |
| Goodhue, Thomas H. | do | Whitewater | Walworth. |
| Graham, Alexander | do | Janesville | Rock. |
| Granger, Jedediah W. | do | Menomonie | Dunn. |
| Hall, Daniel | do | Watertown | Jefferson. |
| Hall, Henry | do | Walworth | Walworth. |
| Hallock, James L. | do | Burnside | Buffalo. |
| Hammond, John | do | Clinton | Rock. |
| Harris, Charles L. | do | Jacksonport | Door. |
| Harrison, Stephen A. | do | Milwaukee | Milwaukee, |
| Hicks, Edward | do | Green Bay | Brown. |
| Hœflinger, Carl | do | Wausau | Marathon. |
| Hunt, Charles A. | do | Melvina | Monroe. |
| Huntley, Frederick | do | Buena Vista | Portage. |
| Jackson, Thomas A. | do | Brodhead | Green. |
| Johnson, Daniel H. | do | Milwaukee | Milwaukee. |
| Johnston, Francis | do | Waupun | Dodge. |
| Kennedy, James E. | do | Oshkosh | Winnebago. |
| Kuntz, C. C. | do | Black Hawk | Sauk. |
| Leonard, C. D. W. | do | Attica | Green. |
| Loveland, Carpus E. | do | Rutland | Dane. |
| McCarty, Thomas | do | Lannon Springs | Waukesha. |
| McDonald, John D. | do | Summit | Waukesha. |
| McGrath, James | do | Milwaukee | Milwaukee. |
| McIntosh, Charles E. | do | Appleton | Outagamie. |
| McNair, H. A. W. | do | Fennimore | Grant. |
| McNeel, J. Henry | do | Greenbush | Sheboygan. |
| Maxon, Densmore W. | do | Cedar Creek | Washington. |
| May, Reuben | do | Springville | Vernon. |
| Metcalf, Theophilus F. | do | Spring Lake | Waushara. |
| Mihills, Uriah D. | do | Fond du Lac | Fond du Lac. |
| Miner, James H. | do | Richland Center | Richland. |
| Morrill, John | do | Hixton | Jackson. |
| Moulton, Powers G. | do | Onalaska | La Crosse. |
| Narracong, Jonas | do | Lodi | Columbia. |
| Parker, Charles D. | do | Pleasant Valley | St. Croix. |
| Pease, Spencer A. | do | Montello | Marquette. |
| Phillips, A. L. | do | Racine | Racine. |
| Phillips, Charles H. | do | Lake Mills | Jefferson. |
| Pierce, Solon W. | do | Friendship | Adams. |
| Potter, Jerome B. | do | Sentinel | Juneau. |
| Powell Oliver S. | do | River Falls | Pierce. |
| Raymond, William | do | Bell Center | Crawford. |

| NAME. | OFFICE. | RESIDENCE. | |
|---|---|---|---|
| | | POST OFFICE. | COUNTY. |
| Reed, H. G. H. | Member of assembly | Sheboygan | Sheboygan. |
| Rice, Ira A. | do | Waterford | Racine. |
| Richards, Daniel H. | do | Milwaukee | Milwaukee. |
| Robinson, James | do | Chilton | Calumet. |
| Rodolf, Theodore | do | La Crosse | La Crosse. |
| Rounds, William P. | do | Menasha | Winnebago. |
| Runkel, Henry C. | do | Milwaukee | Milwaukee. |
| Sanborn, Alden S. | do | Madison | Dane. |
| Schmidt, Carl H. | do | Manitowoc | Manitowoc. |
| Sherman, Adelmorn | do | Janesville | Rock. |
| Sleyster, Rœlof | do | Waupun | Fond du Lac. |
| Squires, Joel C. | do | Platteville | Grant. |
| Swain, George G. | do | Kilbourn City | Columbia. |
| Totter, Henry | do | Waukesha | Waukesha. |
| Tousley, Wilbur H. | do | Jefferson | Jefferson. |
| Wilmot, Henry V. R. | do | Newburg | Washington. |
| Zautcke, Frederick A. | do | Milwaukee | Milwaukee. |
| Zimmermann, Adolph | do | Mequon River | Ozaukee. |
| Thaddeus C. Pound, | Lt. gov. & pres't sen. | Chippewa Falls | Chippewa. |
| David Taylor, | Pres't senate *pro tem.* | Sheboygan | Sheboygan. |
| J. M. Bingham, | Speaker of assembly. | Palmyra | Jefferson. |
| L. B. Hills, | Chief clerk of senate. | Waupun | Dodge. |
| H. H. Rust, | Ass't clerk senate | Portage | Columbia. |
| E. W. Young, | Chief clerk assembly. | Prairie du Sac | Sauk. |
| W. M. Newcomb, | Ass't clerk assembly. | Darlington | La Fayette. |

NOTE.—Where a superfluous word has been found in the enrolled bill, it has been printed in the text, but in italics, and enclosed in parenthesis, (*thus.*) Where a word has been found necessary to sustain the sense of the context, or where one word has been obviously mistaken for another, the word supposed to be proper has been supplied, but in brackets, [thus.]

# GENERAL LAWS.

## CHAPTER 1.

[*Published January* 22, 1870.]

**AN ACT in relation to the settlement of accounts in certain cases.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. In case any sole or surviving executor or administrator has heretofore died or shall hereafter die, leaving his accounts as such executor or administrator unsettled, no action shall be entertained by any court, upon the administration bond of such deceased executor or administrator against the sureties in such bond or either of them, until such sureties or one of them shall have had an opportunity to apply for a settlement of the administration accounts of such deceased executor or administrator, as provided in this act; and in case any action shall have been heretofore commenced in any court of this state, against any surety or sureties upon the administration bond of such deceased executor or administrator, and such action shall be pending and undetermined at the time of the passage of this act, all proceedings in such action shall be stayed until the surety or sureties against whom such action has been commenced shall have had an opportunity to apply for and have a settlement of the administration accounts of such deceased executor or administrator, as provided in this act; but nothing contained in this act shall be so construed as to set aside or open any settlement of the administration accounts of any deceased executor or administrator which has been heretofore legally made.

**No action on unsettled accounts of deceased executor.**

Sureties may apply to county judge for final settlement.

SECTION 2. In case any sole or surviving executor or administrator has heretofore died, leaving his administration accounts unsettled, it shall be lawful for the sureties in the administration bond of such deceased executor or administrator, or for either of such sureties within sixty days after the passage of this act, to apply to the judge of the county court having jurisdiction for a final settlement of the administration accounts of such deceased executor or administrator, and upon such application, if it shall appear to the satisfaction of such judge that neither of the principals in such bond is living, and that the person or persons so applying is a surety or are sureties (as the case may be) in such bond, and that no final settlement of the administration accounts of such deceased executor or administrator has ever been had in the county court having jurisdiction of the matter, such judge shall thereupon issue a citation which shall be served personally or by publication or both, as the said judge shall order, requiring the creditors next of kin, and legatees of the deceased person, (whose estate was being settled by such deceased executor or administrator) if there are any, to appear before him on some day therein specified to attend the settlement of such accounts. And upon the day mentioned in such citation, or such other time as the judge may appoint, such judge shall proceed with the settlement of the administration accounts of such deceased executor or administrator, in the manner provided by law for a final settlement of executors' or administrators' accounts, and when any sole or surviving executor or administrator shall hereafter die, leaving his administration accounts unsettled, the sureties in the administration bond of such deceased executor or administrator or either of such sureties may within sixty days after the death of such executor or administrator, apply to the judge of the county court having jurisdiction, for a final settlement of the administration accounts of such deceased executor or administrator, and upon such application, like proceedings shall be had as hereinbefore specified. Before the adminnistration accounts of any such deceased executor or administrator shall be allowed, notice shall be given, as provided in section 14 of chapter 102 of the revised statutes: *provided*, that all orders made

Judge shall issue citation.

Notice to be given before accounts are allowed.

under this act, by any county judge, shall be subject to be appealed from, the same as any other orders made by such judge, and that the proceedings in any action pending upon such administration bonds shall be stayed, pending such appeal, and until the final determination of the subject matter of such appeal.

If action has been commenced against sureties, they shall apply to judge for settlement.

SECTION 3. In case any action has been heretofore commenced upon the administration bond of any such deceased executor or administrator, against the sureties or either of them in such bond, and in case such action shall be pending and undetermined at the time of the passage of this act, and in case such sureties or surety against whom such action has been commenced shall apply to the judge of the county court for a final settlement of the administration accounts of such deceased executor or administrator, as provided in this act, the court in which such action is pending shall render judgment against such surety or sureties for the amount which such judge of the county court shall upon such final settlement, find to have been due upon the administration accounts of such deceased executor or administrator at the time of his death, and in case such judge of the county court, upon such final settlement shall find that nothing was due upon the administration accounts from such deceased executor or administrator, at the time of his death, then the court in which such action upon the administration bond is pending, shall dismiss such action.

Books of account to be *prima facie* evidence.

SECTION 4. In case where any sole or surviving executor or administrator has heretofore died or shall hereafter die, leaving his administration accounts unsettled, and leaving books of account as such executor or administrator, appearing to have been kept in his own hand writing, such books of accounts shall be *prima facie* evidence of the receipts and disbursements therein entered.

SECTION 5. All acts or parts of acts, so far as they conflict with the provisions of this act, are hereby repealed, and this act shall take effect and be in force from and after its passage and publication.

Approved January 21, 1870.

## CHAPTER 2.

[*Published February* 16, 1870.]

**AN ACT to amend section four of chapter forty-six of the general laws of 1859, entitled "an act to authorize the formation of town insurance companies."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. That section four of chapter forty-six of the general laws of 1859, is hereby amended so as to read as follows: the directors of such company may issue such policies, signed by the president and secretary, agreeing in the name of the company to pay all damages which may be sustained by fire for a term of five years by the holders of such policies, and not exceeding the sum named in such policy.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 14, 1870.

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## CHAPTER 3.

[*Published February* 16, 1870.]

**AN ACT to amend section one of chapter 97 of the revised statutes of the state of Wisconsin, entitled "of wills of real and personal estate."**

*The people of the state of Wisconsin, represented in senate and asssembly, do enact as follows:*

Amended.

SECTION 1. Section one of chapter 97 of the revised statutes of the state of Wisconsin, entitled "of wills of real and personal estate," is hereby amended so as to read as follows: every person of full age and sound mind, being seized in his own right of any lands or of any right thereto, or entitled to any interest therein, descendable to his heirs, may devise and dispose of the same by his last will and testament in writing; and all such estate not disposed of by will, shall descend as the estate of an intestate, being chargeable in both cases with the payment of all his debts; and any

married woman of the age of eighteen years and upwards may devise and dispose of any real or personal property held by her, or to which she is entitled in her own right by her last will and testament in writing, and may alter or revoke the same in like manner that a person under no disability may do the same.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 15, 1870.

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## CHAPTER 4.

[*Published February* 18, 1870.]

**AN ACT to provide for docketing petitions for liens by mechanics and other persons.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION. 1. Every clerk of the circuit court shall keep a separate docket for the purpose of docketing petitions for liens by mechanics and other persons, filed in his office by virtue of the provisions of chapter 153 of the revised statutes, entitled "of liens of mechanics and others," and the several acts amendatory thereof, and relating thereto; each page of which shall be divided into eight columns, with written or printed headings to the respective columns as follows, viz:

**Clerks of courts to keep docket for liens.**

**Form of docket.**

| Names of persons at whose request labor or materials were furnished. | Names of petitioners. | Attorney for petitioners. | Date of performing labor or furnishing materials. | Date of filing petition. | Description of property. | Amount claimed. | Satisfaction. |
|---|---|---|---|---|---|---|---|
| ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |

How entry to be made.

SECTION 2. Every such clerk shall make correct entries in his docket, aforesaid, of every petition for a lien filed in his office by virtue of the provisions of law aforesaid, under the appropriate headings, entering the names of the persons at whose request labor or materials were furnished, the names of the petitioning creditors, attorney for petitioner, the date of performing labor or furnishing materials, the date of filing petition, description of property, amount claimed, satisfaction.

Clerks to keep index of docket.

SECTION 3. Every such clerk shall keep an index to such docket, in the same manner as he keeps an index to judgment dockets, which index shall be arranged in alphabetical order; and immediately upon the filing and docketing of any such petition, he shall enter in such index, in the proper place, the names of the persons at whose request labor or materials were furnished, the names of petitioners, and the page upon which such petition is docketed.

Clerks' fees.

SECTION 4. Every such clerk shall be entitled to receive for his fees for filing, docketing and indexing each petition the sum of thirty-five cents.

Docket to be evidence.

SECTION 5. Every such docket and the entries therein contained, in pursuance of the foregoing provisions, shall be *prima facie* evidence in all the courts of this state of the correctness of such entries; and transcripts therefrom shall be evidence, the same as transcripts from other public records.

Repealed.

SECTION 6. Any and all provisions of law fixing a different compensation for clerk's fees for filing such petitions, are hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved February 17, 1870.

# CHAPTER 5.

[*Published February* 18, 1870.]

**AN ACT relative to proving the records, judicial proceedings and minutes thereof of foreign countries.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Records of foreign country to be admissible in evidence.**

SECTION 1. The records and judicial proceedings or the minutes thereof, of any court of any foreign country, shall be admissible in evidence in all cases in this state, and shall be proved in the same manner and with like authentication as are the records, judicial proceedings or minutes thereof of any court of any state or territory of the United States, and when a transcript or copy of such records and judicial proceedings, or the minutes thereof of any foreign court, so authenticated as aforesaid, shall be offered in evidence in any case in this state, no evidence shall in the first instance be required that the seal attached to said copy or transcript, and purporting to be the seal of such foreign court is the seal of such court, or that the signatures of the certifying and authenticating officers are genuine, further than is required in like cases in proving the records and judicial proceedings or minutes thereof of any court of any state or territory of the United States: *provided*, that records and minutes authenticated as aforesaid, shall be *prima facie* evidence only of the contents thereof.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved February 17, 1870.

## CHAPTER 6.

[*Published February* 18, 1870.]

AN ACT to amend section one of chapter eleven of the revised statutes, entitled "of the salaries of state officers and others."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. The clause of section one of chapter eleven of the revised statutes, which relates to the salary of the governor, is hereby so amended as to read as follows: "for the salary of the governor, the sum of five thousand dollars."

Amended.

SECTION 2. Said section is also amended by adding thereto, immediately after the clause relating to the salary of the governor, the following clause, to wit: "for the salary of the lieutenant-governor, the sum of one thousand dollars."

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 17, 1870.

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## CHAPTER 7.

[*Published February* 18, 1870.]

AN ACT to amend chapter seven of the revised statutes, entitled "of elections."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Sections twenty-six and twenty-seven of chapter seven of the revised statutes, entitled "of elections," are hereby amended by inserting the following proviso after said section twenty-seven: *provided*, that no such adjournment shall be had, or notice thereof given in any incorporated city or village.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 17, 1870.

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## CHAPTER 8.

[*Published February 24, 1870.*]

AN ACT to amend chapter 361 of the general laws of 1860, entitled "an act conferring jurisdiction on the county court of Winnebago county."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of said chapter 361, is hereby amended so as to read as follows: there is hereby conferred upon the county court of Winnebago county, jurisdiction in all civil actions equal to and commensurate with the circuit court, for all sums not exceeding three thousand dollars, and of and concerning all property not exceeding that amount in value. And the said county court to the amount aforesaid, shall be a court of general jurisdiction, and shall have and may exercise the same powers and jurisdiction within the county of Winnebago as are now exercised and enjoyed by the circuit court in and for said county in civil actions within the above mentioned limits: and it is expressly understood that such jurisdiction, subject to the above limitations, shall include the following actions and proceedings: "mandamus," actions for the recovery of real property, commonly known as ejectment; "of proceedings against debtors by attachment;" "of the lien of mechanics and others;" "of claim and delivery of personal property," commonly known as the action of replevin, and also "proceedings for the collection of demands against ships, boats and vessels," and also actions of divorce: *provided*, such court shall not have jurisdiction in actions of *quo warranto*.

Amended.

Jurisdiction conferred upon county court.

SECTION 2. Section thirteen (13) of said chapter is hereby amended to be [and] read as follows: judgment may be had and rendered in vacation in said

Judgments may be rendered in vacation.

county court, subject to the above limitation as to jurisdiction, if the defendant fail to answer the complaint in the same manner, and in like cases wherein judgment may now be, or may be hereafter had and entered in the circuit court in vacation: *provided however*, that execution may be issued upon any such judgment at any time after the entry of the same.

Terms of county court.

SECTION 3. Section fourteen (14) of said chapter is hereby amended to be and read as follows: there shall be held at the county seat of said county, three terms of said court in each year, viz: on the second Mondays of May, November and February in each year. The county judge may call and hold special terms of court upon giving three weeks' notice thereof in some newspaper published in the city of Oshkosh in said county, and if the said court shall desire a jury at such term, a jury shall be selected for such term in the same manner as a jury is selected for a regular term. There shall also be held a special term of said court on the first Monday of each month in each year, except the months of May, July, August, November and February: *provided, however*, that at such special terms, no cases shall be tried in which there is any issue of fact, nor shall be tried or heard any appeals from justices' courts, and no officer shall receive or be enabled to receive any compensation for attendance upon such terms. Such special terms may be held in the office of the county judge in the court house in said county.

Costs.

SECTION 4. Section nineteen (19) of said chapter is hereby amended to be and read as follows: costs shall be recovered in said court (to be taxed by the judge or clerk thereof), to the same amount as in circuit court, including jury fees and county tax, except as hereinotherwise provided or limited.

Salary of judge.

SECTION 5. Section twenty (20) of said chapter is hereby amended to be and read as follows: the county judge of said Winnebago county for performing the duties required by this act and the act of which the same is amendatory, shall receive a salary of five hundred dollars per annum, to be paid quarterly out of the county treasury by the county treasurer.

Jury fee to be paid.

SECTION 6. Section twenty-two (22) of said chapter is hereby amended to be and read as follows: the demand for a jury shall be accompanied by the pay-

ment into the court of three dollars jury fees. If the jury agreed upon shall be six or less, then the fees shall be one dollar and fifty cents.

Fees of jurors.

SECTION 7. The fees of jurors in said court shall be one dollar and twenty-five cents per day for each day's actual attendance, and seventy-five cents for each half day or a less fractional part of a day's attendance, to be paid in the same manner as jurors in the circuit court.

Qualification of jurors.

SECTION 8. The qualifications of jurors shall be the same as now required by law of jurors in the circuit court: *provided, however*, that no person shall be compelled to sit upon a jury who is over sixty years of age.

Jurors—how selected.

SECTION 9. The jurors for said court shall be selected as follows, from residents of the county of Winnebago, and qualified to act as jurors: the county judge and clerk of the circuit court shall, at least two weeks before each term of court, select from such residents, and qualified to serve as jurors, fifty persons to serve as jurors in said court, at and during the next term thereof: *provided, however*, that if such jury is not selected as herein provided, it may be selected at any other time; *and provided further*, that such jury shall not be illegal if persons in good faith are selected who are not qualified, but the names of such persons when discovered, shall be stricken therefrom. A list of such jurors when selected, shall forthwith be filed in the office of the clerk of the court.

How clerk to draw jury.

SECTION 10. At each term of said court, general or special, the clerk shall put the names of all such jurors so selected in a box, and when a jury shall be demanded the same shall be drawn from the names in such box. The plaintiff or plaintiffs shall be entitled to six peremptory challenges, and the defendant or defendants to a like number of challenges, to be made alternately from a full list, the plaintiff challenging first. When a jury shall have been selected as aforesaid, or otherwise agreed upon, a venire therefor may be issued by the judge or clerk of said court and delivered to the sheriff or his under sheriff, or any of his deputies, who shall duly execute the same. If any of the jurors named in such venire shall not be found or shall fail to appear, or if there shall be any legal objection to any that shall appear, or if any of them be

May issue venire.

excused by the court or parties, the court shall direct the sheriff or his under sheriff, or any of his deputies to summon a sufficient number of talesmen to supply the deficiency. The officer summoning the same may insert the names of such talesmen in the venire. If the jury shall be required to make an inquest or an assessment of damages in any case, the same shall be drawn from the names in such box, or the court may direct the same to be had and taken by any jury summoned as in any other case, or may direct the clerk to issue a venire to summon a special jury for that purpose, to be composed of persons qualified to serve as jurors in said court; and unless objections are made, such inquest may be had or held, or such assessment of damages made by the court or the judge thereof, without the intervention of a jury. The court may set down any case on the calendar for trial on any particular day, and when a case is set down for trial on any particular day by order of court or otherwise, the court may then or at any time afterwards, require the parties in such action to determine and select whether he or they wish a jury, and if both parties select [elect] to try such case without a jury, or if both parties neglect or refuse to so determine or select [elect], then at the said term neither party shall be entitled to a trial by jury, but the court may, at its discretion, grant a trial by jury, and if a trial is demanded, the court may then or at any time afterwards, direct that a jury be selected as aforesaid in such case, and issue a venire therefor, returnable at the time fixed for the trial of such action. If for any cause in selecting a jury the panel shall become exhausted, a jury may be obtained as provided in similar cases in the circuit court.

Court may set down case for particular day.

Sheriff or deputy shall attend court.

SECTION 11. Section twenty-three (23) of said chapter three hundred and sixty-one (361) is hereby amended so as to be and read as follows: the sheriff of said county, in person or by his under sheriff or one of his deputies, shall attend such court when actually in session for the transaction of court business, other than probate business, and the court shall designate the number of officers that shall be present while such court is in actual session as aforesaid; and such officers shall be entitled to receive the same compensation, and payable in like manner as is or may be provided by law for like services in the circuit court:

*provided*, that no officer shall receive any compensation for serving or executing any venire for any jury or summoning any talesman.

Clerk's fees.

SECTION 12. Section twenty-four (24) of said chapter is hereby amended so as to read and be as follows: the fees of the clerk of said court in any one cause shall not exceed the following sums: in cases settled or discontinued before answer, two dollars; in cases discontinued after answer and before the same shall be put upon calendar, three dollars, and after answer, and after having been put upon calendar, four dollars; in cases when judgment is entered without application to the court, four dollars; in cases of no answer when judgment is upon application to court, seven dollars; in like cases when judgment is entered upon application to court and the same could be entered in vacation, five dollars; in case there is an answer and the same is tried by court, eight dollars, (if a final determination on a demurrer, six dollars); if tried by a jury, ten dollars; in appeal cases tried by the court upon return of justice, five dollars; in all appeal cases which are dismissed without trial, four dollars; in all other appeal cases, eight dollars. In case there is more than one trial, three dollars shall be added to such limitation for each additional trial.

Suits involving title to lands to be certified by justice to county court.

SECTION 13. When in any suit, commenced before any justice of the peace of Winnebago county, a plea or answer shall be put in showing that the title of lands will come in question, as provided by sections fifty-one, fifty-two, fifty-three, fifty-four and fifty-five of chapter one hundred and twenty of the revised statutes, or of any act which may hereafter be passed amendatory thereof, such suit shall be sent and certified to said county court, instead of the circuit court of said county, and wherever in said sections the words circuit or circuit court are used, the same shall be and are hereby changed, so far as the same relate to Winnebago county, to county and county court, and the bond to be given shall be conditioned to prosecute his said action in the county court instead of the circuit court. This section shall take effect and be in force on the first of May, A. D. 1870.

SECTION 14. This act, (except said section 13,) shall take effect and be in force from and after its passage and publication.

Approved February 17, 1870.

## CHAPTER 9.

[*Published February* 24, 1870.]

AN ACT relating to the county court of the county of Dodge.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Where judge may hold special terms.

SECTION 1. The judge of the county court of the county of Dodge is hereby authorized to keep his office and to hold special terms of said court at the city of Beaver Dam, in said county, at his discretion, between the times for holding the regular terms in each month, and all business done and transacted, and all judgments, orders and decrees made by the said judge or court at such special terms shall be as lawful, binding and valid in all respects as if done, transacted and made at the regular terms at the county seat of said county.

Business declared valid.

SECTION 2. All business done and all judgments, orders and decrees heretofore made by the county judge of said county at any other place than the county seat, are hereby declared to be and [be] made as valid and binding in all respects as if done and made at the county seat of said county.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 23, 1870.

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## CHAPTER 10.

[*Published February* 26, 1870.]

AN ACT to provide for the discharge of judgments in certain cases.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Clerk of court may certify discharge of judgment.

SECTION 1. When a judgment shall have been duly satisfied of record in the county where it was en-

tered, the clerk of the circuit court of such county may at the request of any party, make a certificate under his hand and official seal, that such judgment (describing it) has been duly satisfied and discharged, and upon filing such certificate with the clerk of the circuit court of any other county where such judgment may have been docketed, such clerk shall enter and note upon the docket of the judgment in his county, that said judgment is paid and satisfied, and such entry shall be evidence that said judgment is paid and satisfied.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 24, 1870.

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## CHAPTER 11.

[*Published March* 1, 1870.]

**AN ACT to amend section 3 of chapter 103 of the general laws of 1866, entitled an act (*entitled an act*) to amend chapter 276 of the general laws of 1861, entitled an act to amend chapter 22 of the general laws of 1859, entitled an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 3 of chapter 103 of the general laws of 1866, approved April 12, 1866, is hereby amended so as to read as follows: Section 3. The provisions of this act shall extend to and be in force only in the counties of Vernon, Richland and Marathon. **Amended.**

Approved February 25, 1860.

# CHAPTER 12.

[*Published February 28, 1870.*]

AN ACT to amend chapter one hundred and nine of the general laws of 1868, entitled "an act to amend section two of chapter 177 of the revised statutes, entitled 'of indictments and proceedings before trial.'"

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

Limitation of time for indictments.

SECTION 1. Section one (1) of chapter one hundred and nine (109) of the general laws of 1868, is hereby amended so as to read as follows: "Section 1. Section two of chapter 177 of the revised statutes, entitled 'of indictments and proceedings before trial,' is hereby amended so as to read as follows: An indictment for crime, punishable by imprisonment for life may be found at any period. All other indictments for other crimes shall be found and filed within two years after the commission of the offense, when the offender shall be known: *provided*, that at least two regular terms of the grand jury of the county where the offense was committed, shall thereafter be held before the said limitation shall be deemed complete, but any period during which the party charged was not actually and publicly a resident within the state, or was unknown to the sheriff or prosecuting attorney of the county where the offense was committed shall not be reckoned as a part of the two years."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 25, 1870.

## CHAPTER 13.

[*Published March* 1, 1870.]

**AN ACT to amend section three of chapter one of the general laws of 1870, entitled "an act in relation to the settlement of accounts in certain cases."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three of chapter one of the general laws of 1870, entitled "an act in relation to the settlement of accounts in certain cases," is hereby amended so as to read as follows: Section 3. In case any action has been heretofore commenced upon the administration bond of any such deceased executor or administrator against the sureties or either of them in such bond, and in case such action shall be pending and undetermined at the time of the passage of this act, and in case such sureties or surety against whom such action has been commenced shall apply to the judge of the county court for a final settlement of the administration accounts of such deceased executor or administrator, as provided in this act, the court in which such action is pending shall render judgment against such surety or sureties for the amount which such judge of the county court shall upon such final settlement, find to be due and justly chargeable against such deceased executor or administrator upon his administration accounts, and in case such judge of the county court shall find upon such final settlement that nothing is due upon the administration accounts of such deceased executor or administrator, then the court in which such action is pending shall dismiss such action; but in case an appeal is taken upon the finding of such judge of the county court, the court in which such action upon the bond is pending shall stay judgment until the final determination of the subject matter of such appeal, and shall then render judgment in accordance with the finding of the appellate court.

**Amended.**

**Court may render judgment against surety.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 26, 1870.

## CHAPTER 14.

[*Published March* 1, 1870.]

**AN ACT to provide tax receipt stub books for town, city and village treasurers, and to repeal chapter 118 of the general laws of 1866, entitled "an act to authorize town, city and village treasurers to perform certain duties in reference to tax receipts and certificates."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Clerk of board shall prepare form.**

SECTION 1. The clerk of the board of supervisors of each county in this state shall prepare a form, cause to be printed and furnish to each and every town, city and village treasurer of their respective counties, a book of tax receipts, with stubs to be a duplicate of the receipts for each current year.

**Duty of treasurer in relation to receipts.**

SECTION 2. It shall be duty of every town, city or village treasurer to use such receipts only as are provided for in section one of this act, and to enter in each receipt given by him for the payment of taxes, the name of the person, firm, company or corporation paying taxes, the date of issuing the receipt, the description of property upon which taxes are paid and the aggregate amount of taxes paid, which receipt shall be signed by the treasurer, and a duplicate thereof made upon the stub to be left in the book; and after noting the payment of said taxes upon the tax-roll, then to deliver said receipt to the person entitled thereto.

**Shall deliver stub book to county treasurer.**

SECTION 3. It shall be the duty of the town, city or village treasurer, after having completed the collection of taxes for that year, to deliver said stub-books, together with the tax-roll, to the county treasurer, and the county treasurer shall compare the said stub-book with the said tax roll in every particular, as to the description of lands and other property upon which taxes have and have not been paid, and as to the amount of money received for taxes before his final settlement with said town, city or village treasurer, and within thirty days after the final settlement between the the county treasurer and the said town, city or village treasurer, the county treasurer shall deliver said stub-

book over to the clerk of the board of supervisors to be by him filed and preserved in his office.

SECTION 4. Upon application and upon the payment of twenty-five cents each, the said clerk of the board of supervisors shall give a certified copy of said stubs, which shall be used as evidence in all cases, the same as the original stub or the original receipt. Clerk's fees for certified copy.

SECTION 5. Chapter 118 of the general laws of 1866 is hereby repealed. Repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved February 26, 1870.

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## CHAPTER 15.

[*Published March* 1, 1870.]

AN ACT to amend chapter 223 of the general laws of 1862, entitled "an act to provide for the payment of court expenses when a change of venue is had."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of chapter 223 of the general laws of 1862 is hereby amended so as to read as follows: "In all cases when a change of venue in any civil or criminal action shall be allowed by any circuit court or judge, pursuant to law, and the place of trial of such action shall be changed (except in cases where such change is made because the action was not brought in the proper county), the county in which such action was commenced shall pay to the county in which the same shall be tried, the following expenses, to-wit: Amended. Costs to be taxed in case of change of venue

1st. The per diem fees allowed by law to the clerk in term.

2d. The per diem fees allowed by law to the sheriff, under sheriff and deputies actually in attendance upon said court.

3d. The per diem fees allowed by law to the petit jurors actually in attendance upon said court.

4th. The legal fees of all witnesses actually subpœnaed or in attendance upon said court, or sworn upon the trial of any criminal action.

5th. The per diem fees allowed by law to the phonographic reporter duly appointed by said court under any law authorizing such appointment, and in actual attendance thereon, the fees of such officers, jurors and phonographer to be estimated for each day and part of day, not less than half a day, occupied in trying or disposing of any such action."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1870.

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## CHAPTER 16.

[*Published March* 3, 1870.

AN ACT to authorize the appointment of phonographic reporters for the circuit court for the counties of Green Lake and Dodge, in the third judicial circuit.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Judge may appoint phonographic reporters.

SECTION 1. It shall be lawful for the judge of the circuit court for the third judicial circuit of this state to appoint one or more phonographic reporters for the circuit court in and for the counties of Green Lake and Dodge.

Qualification of reporters.

SECTION 2. Said reporters shall be sworn officers of said court and shall be skilled in the art of short hand reporting, one of whom shall attend upon each term of said court when requested by the judge thereof so to do, and shall discharge such duties as the court or judge thereof shall require.

Their compensation.

SECTION 3. The said reporters shall be allowed such daily compensation as shall be fixed by the court, not exceeding seven dollars per day for each day's actual attendance upon said court when required by the judge thereof to attend, which shall be certified, audited and paid in like manner as is provided by law

for the payment of the sheriff for attending upon the court: *provided*, but one such reporter shall be employed at the same time.

SECTION 4. It shall be the duty of said reporter upon the request of a party to any suit, or the attorney or attorneys of such party, the evidence on the trial of which shall have been taken by them, to make and furnish transcripts of such evidence so taken by them, or any other proceedings had in such trial to such party or his attorney, for which transcript so furnished, said reporter shall be entitled to charge and receive from the party requiring such transcript to be made, ten cents for each folio of one hundred words. In the trial of criminal cases the court may in its discretion, order a transcript of the evidence and proceedings to be made, certified and audited and paid for in the same manner as the per diem. compensation of such reporter, and in such cases the reporter's notes shall be written out in full and filed with the clerk of the court. **Shall furnish transcripts of evidence.**

SECTION 5. The judge of said court may in his discretion, remove such reporter or any one of them, and may fill any vacancy caused by such removal or from any other cause. **Judge may remove reporter.**

SECTION 6. This act shall take effect from and after its passage.

Approved March 2, 1870.

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## CHAPTER 17.

[*Published March* 4, 1870.]

AN ACT to provide for the preservation of certain records and proceedings in the office of the clerk of the circuit court of Fond du Lac county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The clerk of the circuit court of Fond du Lac county is hereby authorized and required, without delay, to transcribe and record in a suitable book **Clerk shall transcribe records.**

to be by said clerk for this purpose provided, all the records, papers, tract books, vouchers and proceedings in a certain action heretofore pending in the district court of the territory of Wisconsin, in the county of Brown, in chancery, and now on file in the office of the clerk of the circuit court aforesaid, wherein Mason C. Darling was the plaintiff, and James Duane Doty and others were defendants, praying a partition and sale of the lands of the Fond du Lac Land Company.

Shall copy and redraw maps.

SECTION 2. Whenever the maps and charts constituting a part of the records and proceedings mentioned in section one of this act shall become obliterated or worn by use or other causes, it shall be lawful for the clerk of the circuit court aforesaid, to cause such maps and charts to be copied and re-drawn, to the end that such record shall be preserved.

Shall certify that he has compared same.

SECTION 3. Whenever the aforesaid records shall be transcribed and re-drawn as provided by this act, the clerk shall enter upon the record thereof that he has carefully compared such record with the original of such paper or record, and that it is a true copy of such original and of the whole thereof; and in case of the loss or destruction of the original of such record, such recorded copy duly certified as aforesaid, shall be received in evidence in all courts of this state, with like force and effect as the original might have been.

His fees.

SECTION 4. The clerk of the circuit court performing the services required in section one of this act shall be entitled to the fees prescribed by law for like services, to be audited and paid by the board of supervisors of Fond du Lac county, in the manner provided by law, and for the services required by section two of this act, such compensation shall be allowed by the board of supervisors aforesaid as shall appear just and proper.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 2, 1870.

## CHAPTER 18.

[*Published March* 4, 1870.]

**AN ACT to amend chapter 179 of the general laws of 1869.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Town assessors shall be entitled to such compensation, not exceeding three dollars per day, as may be allowed them by the board of supervisors of their respective towns. **Fees of assessors.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1870.

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## CHAPTER 19.

[*Published March* 4, 1870.]

**AN ACT to regulate the running of railway trains in certain cases.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Every train of cars drawn by one or more locomotives upon any railway track within this state, shall come to a full stop before crossing or running upon any draw bridge over a stream which is regularly navigated by vessels propelled by steam, during the season when such stream is so used for navigation, and the use of such draw is necessary for the passage of boats, vessels and other crafts navigating the waters of such stream, at a distance from such bridge of not more than six hundred feet. **Trains shall come to full stop before crossing draw bridge.**

SECTION 2. Every conductor, engineer or other person having charge of the running of any railway train, wilfully and knowingly violating the provisions **Penalty for violation by conductors and engineers.**

of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine, not exceeding one thousand dollars or by imprisonment in the state prison not exceeding one year, or by both, as the court may direct.

Copy of this law to be posted in depots.

SECTION 3. It shall be the duty of every railroad company doing business in this state or the officers thereof, to have a printed copy of this law posted up in every passenger depot in the state of Wisconsin, and every railroad company permitting their trains of cars to run in violation of the provisions of this act shall forfeit and pay the sum of five hundred dollars for each and every violation, to be recovered in an action of debt, and it shall be the duty of the district attorney of each county, where there may be any violations of the provisions of this act, to sue for and recover the said penalty in the name of the state of Wisconsin, and the money when collected shall be paid over in like manner as is provided by law for the payments of fines and forfeitures in other cases.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1870.

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## CHAPTER 20.

[*Published March* 4, 1870.]

AN ACT to provide for the purchase of two hundred and fifty copies of Webster's Dictionaries.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Shall purchase dictionaries.

SECTION 1. The state superintendent of public instruction is hereby authorized and directed to purchase on behalf of the state, two hundred and fifty copies of Webster's Unabridged Dictionary, at a cost not to exceed eight dollars per copy.

How distributed.

SECTION 2. The said dictionaries, when procured, shall be distributed in accordance with the provisions

of chapters sixteen and thirty-two of the general laws of 1867.

SECTION 3. There is hereby appropriated out of the income of the school fund, a sum sufficient to pay for the dictionaries above provided for. Appropriation.

SECTION 4. This act shall take effect from and after its passage and publication.

Approved March 2, 1870.

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## CHAPTER 21.

[*Published March 4, 1870.*]

AN ACT to amend section 15 of chapter 140 of the revised statutes, entitled "of miscellaneous proceedings in civil actions and general provisions."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 15 of chapter 140 of the revised statutes, is hereby amended by adding thereto, at the end of the section, the following: "when the amount of damages recovered by any such judgment is less than one hundred dollars, no more than five dollars shall be recovered for the costs and disbursements of said proceeding." Amended.

SECTION 2. This act shall take effect and be in force from and after its publication.

Approved March 3, 1870.

## CHAPTER 22.

[*Published March* 5, 1870.]

**AN ACT to reconstruct the third judicial circuit, and fix the time of holding the terms thereof.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Detached.

SECTION 1. The county of Winnebago, after the fifteenth day of April, in the year eighteen hundred and seventy, shall be taken from and detached from the tenth judicial circuit, and shall thereafter be annexed to and constitute and be a part of the third judicial circuit.

General terms—when and where held.

SECTION 2. The general terms of the circuit court for the third judicial circuit, except as hereinafter provided, shall be as follows: In the county of Marquette, on the first Tuesday after the fourth Monday in May, and the first Tuesday after the fourth Monday in November in each year: *provided*, that at the May term of said court in the county of Marquette for the year 1870, no grand or petit jury shall be summoned. In the county of Green Lake, on the second Monday of January and the first Monday of June of each year. In the county of Dodge, on the fourth Monday of September and the fourth Monday of February in each year. In the county of Washington, on the third Monday of March and the third Monday of October of each year. In the county of Ozaukee, on the first Monday of April and the first Monday of November in each year. In the county of Winnebago, on the third Monday of April, the first Monday of September and the second Monday of December of each year: *provided*, nothing herein contained shall be construed to interfere with the March term of the said court now provided by law to be held in the year 1870, in the county of Winnebago.

Every general term to be also special term.

SECTION 3. Every term of said circuit court in the counties of Winnebago, Dodge and Green Lake, shall also be a special term for said counties of Winnebago, Dodge and Green Lake. And all actions, motions,

proceedings or other business now pending, or which may hereafter arise in any or either of said counties in said circuit, and not requiring a jury, may be heard, tried and determined or otherwise acted upon or disposed of at any or either of said special terms, in the same manner and with the same force and effect as if the same were heard, tried and determined or otherwise acted upon or disposed of in the county wherein the same are now pending or may hereafter arise, and when any cases or matters are pending in either of said counties different from the county in which the special term is held, the clerk of the court where said special term is held, shall certify the orders, judgments and other papers to the clerk of the circuit court of the county where said causes or matters are pending, and the same shall be filed and entered by such clerk in the same manner as if said cause or matter had been heard or determined by the circuit court at a term thereof held in that county.

Provisions relating to reporters to apply.

SECTION 4. The provisions of all laws now in force, or which shall hereafter be enacted relative to or authorizing the appointment of phonographic reporters for the counties of Green Lake and Dodge, in the third judicial circuit, shall in all respects and particulars, apply to the county of Winnebago.

How writs, etc., to be returnable.

SECTION 5. All writs, indictments, recognizances, summons, process and other proceedings now made returnable by law of this state or practice of court, or by any court to the terms of the circuit court of said county of Winnebago, as of the tenth judicial circuit, shall be returnable to the terms of the circuit court of said county of Winnebago as of the third judicial circuit, as the same are now fixed by law, and all adjournments, appearances, continuances, motions and notices of any proceedings in the circuit court of said county of Winnebago, as of the tenth judicial circuit made or taken to any term of a date subsequent to the term or time when this act shall take effect, shall be held to be made and taken for the time fixed by law and this act, for holding the terms of said court for said Winnebago county, as of the third judicial circuit.

Limitation of act.

SECTION 6. This act shall not affect any act done or right accrued or established, or any writ, proceeding or prosecution had or commenced in any civil or criminal cause or proceeding previous to the time when this

they shall bear, the railroad for whose stock they are to be issued, when to be delivered, when to be made payable, and when the railroad is to be completed to a certain point. At such election, those voting in favor of the proposition shall deposit a ballot containing the words, "for the railroad," and those voting against it, shall deposit a ballot containing the words, "against the railroad." The election shall be conducted and the votes shall be canvassed and certified and recorded in the same manner as the votes given at the annual town, city or village elections. And subscriptions shall thereupon be made to the capital stock of said company, by the chairman of the board of supervisors of the town, the mayor of the city or the president of the village, as the case may be. It shall not be lawful to strike from any such town, city or village, any of its territory while such bonds shall be outstanding and unpaid, and the issuing of, such bonds shall be deemed a contract that territory of such town, city or village shall not be diminished while such bonds shall be unpaid in whole or in part.

Form of ballot.

Bonds to be paid for shares at par.

SECTION 3. Such bonds shall according to the purpose for which their issue is authorized, as in the preceding section and elsewhere in this act, be delivered in payment at par, for shares of stock subscribed for by any such town, incorporated city or village, when all the conditions precedent on the part of such company, as in this act provided, shall have been performed. They shall be signed by the chairman of the board of supervisors and town clerk of the town, the mayor and clerk of the city, or the president and clerk of the village, as the case may be, voting the same. Each shall be of the denomination of one hundred dollars, with annual or semi-annual interest coupons attached in the usual form. All the conditions upon which they are issued shall be stated therein. There shall also be endorsed upon the back of each a certificate of registry, to be signed as hereinafter provided, by the secretary of state. The shares of stock in such railroad company thus taken by said towns, cities or villages, and all dividends arising therefrom are hereby pledged, while they remain the property of such town, city or village, for the payment of the principal and interest of the bonds delivered for such stock; and the supervisor, mayor or president, when authorized by a vote of his

How bonds to be executed.

Shares pledged for payment of principal and interest of bonds.

town, city or village, at any annual or special election thereof, may sell such stock and transfer the same to any purchaser, and the proceeds of such sale shall be applied to the payment of the interest and principal of such bonds, and for that purpose the same shall be immediately deposited by the officer receiving the same, with the state treasurer, and said town, city or village credited therefor, to be used by him in connection with, or in lieu of the other funds standing to the credit of such town, city or village. The board of supervisors of the town, common council of the city or trustees of the village, as the case may be, shall annually or as often as there shall be a vacancy, appoint one railroad commissioner, whose duty it shall be after the bonds have been issued to the railroad company, to attend the meetings of the stockholders of such company, and he shall be entitled to cast one vote for each share of stock owned by such town, city or village, in the election of directors, and on all questions, and shall in all other respects be treated as a stockholder therein while he so represents such town, city or village.

**Duties of state treasurer in relation to revenues from towns subscribing for shares.**

SECTION 4. Whenever any town, incorporated city or village shall hereafter create a debt under the provisions of this act, or under the provisions of any law of this state, for a subscription to the capital stock of any railroad company whose lines shall be located in this state, as hereinbefore provided, it shall be lawful for the state treasurer, and he is hereby required, immediately upon receiving the revenue for each year, for and during such term of years as may be necessary, to place to the credit of any such town, incorporated city or village, so having incurred such indebtedness in the state treasury, annually thereafter during the term aforesaid, all of the special taxes collected and paid into the state treasury on the increased valuation of the taxable property of such town, incorporated city or village, as shown by the annual assessment rolls of the year 1869, as provided in sections 8 and 11 of this act. And whenever any town, incorporated city or village shall have created a debt as aforesaid, it shall also be lawful for the state treasurer, and he is hereby required, immediately upon receiving the annual state tax or license fee from the railroad or railroads, for the purchase of whose stock such debt shall have been created by any such town, incorporated city or village,

to place to the credit of such towns, incorporated cities or villages, on any one line of railroad, so having incurred such indebtedness, in the state treasury, annually, for and during the full term of the existence of such indebtedness or any part thereof, the whole amount so received, and in such proportion to each of such towns, incorporated cities or villages, on any one line, as shall be in an equal ratio to the whole of such indebtedness originally incurred by each.

Gross earnings of railroad to be taxed for payment of indebtedness.

SECTION 5. So long as the tax or license fee upon any railroad or railroads, or parts thereof hereafter built in this state shall be needed for the purpose of being used in the payment of any indebtedness incurred for its construction by any town, city or village, as contemplated in this act, and as directed by section four to be applied by the state treasurer for that purpose, and no longer, a tax or license fee of six per centum on the gross earnings, instead of the rate at present authorized by law, the additional three per cent. being in consideration of the bonds issued by the several towns, cities and villages in aid of said railroad, and shall be collected from each, under the same laws and regulations as now apply to the collection of the present rate of state tax or license upon railroads.

Clerks shall register bonds issued.

SECTION 6. And the clerk of any such town, city or village, upon the issuing of the bonds in the payment of such subscription to the stock of any such railroad company, shall make a registration thereof in a book to be kept for that purpose in his office, showing the date, amount, number, maturity and rate of interest of such bonds and to what railroad company the same were delivered. And the said bonds so issued and still unpaid, in order to receive the benefits of this act, shall each be registered by the holder thereof in the office of the secretary of state, who shall cause the same to be registered in a book to be kept for that purpose. Such registration shall show the date, amount, number, maturity and rate of interest of each of such bonds, under what act and by what town, city or village the same were issued, and the secretary of state shall under his seal of office, certify upon each of such bonds the fact of such registration, for which registration and certificate he shall be entitled to a fee of twenty-five cents, to be paid by the hodler of said bond.

SECTION 7. In all cases when any town, incorporated city or village shall issue bonds under the provisions of law, and be entitled to the benefit of this act, it shall be the duty of the town clerk of such town, or other proper officer of such incorporated city or village in whose office the assessment rolls of such town, city or village are, or shall be when completed, within five days after such completion, to make out and transmit to the secretary of state, to be filed in his office, a certificate stating the total value of all taxable property, real and personal within such town, incorporated city or village, as exhibited by such assessment.

Shall certify to secretary of state valuation of taxable property.

SECTION 8. When any such bonds of any town, incorporated city or village shall be registered as in this act provided, the secretary of state shall annually ascertain the amount of interest for the current year, due and accrued and to accrue upon such bonds, and from the amount so ascertained he shall deduct the amount in the state treasury placed to the credit of such town, incorporated city or village, as herein provided and directed, and from the basis of the certificate of valuation of property, hereinbefore provided to be transmitted to him, or in case no such certificate shall be filed in his office, then upon the basis of the total assessment of such town, incorporated city or village for the year next preceding, he shall estimate and determine the rate per centum on the valuation of property within such town, incorporated city or village, requisite to satisfy the amount of interest unprovided for, together with the ordinary costs to the state for collection and disbursement of the same, to be estimated by him, and he shall make and transmit to the clerk of such town, incorporated city or village, or other proper officer whose duty it is or shall be to prepare the estimate and books for collection of state taxes in such town, incorporated city or village, a certificate stating such estimated requisite per centum for such purpose, to be filed in his office, and the same per centum shall thereupon be deemed added to and be a part of the per centum which is or may be levied, as provided by law, for purposes of state revenue, and shall be so treated by such clerk or officer, in making such estimates and books for the collection of taxes; and the said tax shall be collected with the state reve-

Secretary of state to ascertain amount of interest due on registered bonds, and deduct amount from credit to towns issuing said bonds.

nue, and all laws relating to the state revenue shall apply thereto, except as herein otherwise provided.

State shall be custodian of special taxes collected for railroads.

SECTION 9. The state shall be deemed the custodian of the several taxes so collected and credited to such town, incorporated city or village, and shall not be deemed in any manner liable on account of any such bonds, except to the extent of the money received for their payment under the provisions of this act. The state shall annually collect in lawful money, all the said taxes to be placed to the credit of such town, incorporated city or village as aforesaid, for and until the bonds are fully paid, and shall apply the same when collected, to the payment of the principal and annual interest on such registered bonds of such town, incorporated city or village, and for and during the remainder of the term of years during which such registered bonds shall remain unpaid. The funds provided for in section four of this act, accruing from taxes or license fees, collected on the property or earnings of said railroad or railroads, and the surplus of the other funds in this act provided, remaining after the payment of the interest on the bonds, shall be applied to the payment of the principal of said registered bonds, as hereinafter provided, at the office of the state treasurer, and the interest coupons and bonds when fully paid, shall be returned to the office of the state treasurer and shall be canceled and destroyed, and the funds derived from the special taxes collected on the increased assessment over the year 1869, and the tax levied to meet the interest on said registered bonds, shall continue to be annually applied to the payment of interest and principal until the bonds are fully paid.

Bonds not to be registered till completion of railroad to points agreed upon.

SECTION 10. And it shall not be lawful to register any bonds under the provisions of this act, nor to receive any of the benefits or advantages to be derived therefrom, until after the railroad for the purchase of whose stock said bonds were issued, shall have been completed to such point as may have been agreed upon, near to, into or through such town, incorporated city or village, and cars shall have run thereon, and none of the benefits, advantages or provisions of this act shall apply to any debt, unless the question of making the subscription to the stock of such railroad company shall first have been submitted to an election of the

legal voters of such town, incorporated city or village, as hereinbefore provided.

Special tax called "railroad tax" to be raised.

SECTION 11. In all towns, cities and villages having incurred indebtedness and issued bonds therefor, to which this act applies, there shall annually be raised a "special tax," called the "railroad tax," the amount of which shall be ascertained by applying the same rate per centum used in producing the state and county taxes combined for the year, to the excess (or increased value) of taxable property after it is equalized for that year, over that of the year 1869, and the clerks of the several towns, cities or villages (as the case may be) shall add the amount thereof, thus ascertained to the other taxes to be raised and cause the same to be collected, and the town treasurer is hereby directed and required to collect the same with the other taxes, and when collected to treat it as part and parcel of the state tax, and when received by the state treasurer, it shall be credited to such town, city or village and used in the payment of its bounded indebtedness as contemplated in this act.

Construction of act.

SECTION 12. This act shall be construed to authorize and provide for the payment and the registry by the secretary of state, of bonds issued in payment of subscriptions to the capital stock of any such railroad, to the extent of five thousand dollars per mile and no more, in the aggregate of its entire length within this state; also to provide that the amount of stock which any one town, city or village votes for or subscribes, shall not exceed its equal proposition [proportion] according to the equalized value of the property of the several towns, cities and villages through which the railroad or such portion thereof as is to be built within a fixed time, under a single arrangement [agreement], passes.

Bonds to be numbered, and to be payable in the order of the numbers.

SECTION 13. The bonds of each and every town, city and village, issued and registered as required by this act, shall be numbered from number one, upwards in the same order as issued, and endorsed by a reservation printed on the back of each, that they shall be payable in the same order, and as fast as the funds provided from all sources by this act, in the hands of the state treasurer will warrant, whether due according to the terms therein expressed or not, and for this purpose, said treasurer shall cause to be inserted, in the first

daily issue of the official state paper, in January, April, July and October of each year, a notice giving the name of the town, city or village whose bond or bonds are provided for, and their numbers thus payable from the funds in the treasury applicable thereto, and the effect of such notice shall be to stop the interest on such bond or bonds so designated, from and after ten days after such publication, and until their presentation for payment with all unpaid interest coupons attached.

Not to prohibit towns from subscribing greater amount.

SECTION 14. This act shall not be construed to prohibit towns, cities or villages from issuing bonds in aid of railroads in a greater amount than five thousand dollars per mile, under any laws heretofore or hereafter to be enacted by the legislature of this state.

SECTION 15. This act shall take effect and be in force from and after its passage and publication.

Approved March 4, 1870.

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## CHAPTER 25.

[*Published March* 8, 1870.]

**AN ACT to authorize certain counties, towns, cities and villages to aid the Milwaukee and Northern Railway Company.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Counties, towns, etc., may subscribe for stock of railway company, and issue bonds in payment of the same.

SECTION 1. It shall be lawful for any county through any portion of which any part of the railroad of the Milwaukee and Northern Railway Company or any branch thereof shall run, or any town or incorporated city or village in such county, whether immediately on the line of such road or not, to subscribe for, agree to take, and take and pay for capital stock (of either class,) or bonds of said company in the manner and on the terms and conditions hereinafter provided; and for the purpose of paying or securing payment of such subscriptions for stock or bonds, to make, issue and deliver to said company its bonds, payable to such person or persons, trustees or corporation, or to said company or bearer, at such time, for such sum or sums,

with such rate of interest, transferable by general or special endorsement or by delivery, and in such form and manner as may be agreed upon by and between the directors of said railway company and the proper officers of such county, town, incorporated city or village, as the case may be; or if by the terms of the subscription, in any case, no provision is made for giving bonds of the company therefor, then to raise by special tax such sum or sums of money, either all at once in one year or in yearly instalments, not to exceed three in three successive years, and to pay the same and to give money orders on the treasurer of the county, town, city or village, as the case may be, for the payment of the same to said company at a time agreed upon, and which orders, when given, such treasurer shall be bound to accept in due form, and thereupon such orders shall be transferable by delivery as commercial paper; but no such subscription for the stock or bonds of said company, and no such bonds or orders shall be issued or delivered to said company, or money paid thereto by or for any such county, town, city or village, unless a majority of the legal voters of such county, town, city or village, as the case may be, voting on the question, shall first have voted in favor of such subscription in the manner hereinafter provided; but when such subscription shall have been made, the same shall be absolutely binding upon the county, town, city or village, by or in whose behalf such subscription shall be made, as the case may be.

Company to file proposition with clerk of board, or town or city clerk.

SECTION 2. Whenever the said company shall desire any such county, town, city or village to subscribe for and take any of its stock or bonds, it shall make and deliver to the clerk of the board of supervisors of such county, the town clerk of such town or the clerk of such city or village, as the case may be, a proposition in writing, signed by the president and secretary of said company, and sealed with its corporate seal; which proposition shall state the amount, kind and description of stock or bonds which the county, town, city or village is desired to subscribe for and take, the terms on which it is desired to subscribe for and take the same, and the manner in which it is desired that such county, town, city or village shall pay or secure payment of such subscription, whether in money or bonds; and if bonds are desired to be issued therefor,

then the amount of each bond, the aggregate amount of all such bonds, the rate of interest they shall bear and the time of payment thereof. Upon receiving such proposition, the clerk of the board of supervisors of such county, the town clerk of such town or the clerk of such city or village, as the case may be, shall immediately call a meeting of the proper authorities of such county, town, city or village, to take into consideration the proposition of said company, when such board or proper authorities may in their discretion give notice of an election to be held by the legal voters of such county, town, city or village, as the case may be, at such place, on such day and during such hours in the day as they may designate, which days shall not be less than twenty nor more than thirty days from the date of such notice; and such notice shall contain a statement of the substance of the proposition made by said company as aforesaid, and shall call upon the voters to deposit each a ballot, upon which shall be written or printed the words, "for the railway proposition," or the words, "against the railway proposition."

Clerks shall call meetings, and elections may be held to vote on proposition.

Form of ballot.

How election held and conducted.

SECTION 3. Such election shall be held and conducted in the same manner, except as is herein otherwise provided, that other general elections in such counties, towns, cities or villages are by law required to be held and conducted, and the votes cast at such election shall be counted, canvassed and returned in the same manner as the votes at any such general election, and the canvassers shall make, certify, sign and deposit with the clerk of the board of supervisors of such county, the town clerk of such town, or the clerk of such city or village, a statement of the whole number of votes cast upon the question, as well as a statement of the number containing the words, "for the railroad proposition," and of the number containing the words, "against the railway proposition," and such certificate shall be conclusive evidence of the fact as to the number of votes each way, for and against such proposition, and also of the fact that such election was regularly ordered, noticed, held and conducted according to law.

If proposition is adopted, how authorities to proceed.

SECTION 4. If a majority of the legal voters of any such county, town, city or village, voting in pursuance of the provisions of this act, shall vote "for the railway proposition," it shall be the duty of the proper of-

ficers, in behalf of such county, town, city or village, to subscribe for and take stock or bonds of said company, of the kind and description, to the amount and on the terms and conditions specified in such proposition of said company, and in payment therefor to make, issue and deliver to said company the bonds of such county, town, city or village, as the case may be, payable to bearer, or, as the case may be, of the proper authorities of such county, town, city or village, to levy, collect and pay to said company in money, the amount of such subscription, in all respects in accordance with the terms and conditions of such proposition of said company; such tax to be in addition to all other taxes authorized by law, to be levied upon all taxable property in such county, town, city or village; and in case such subscription is payable in money and not in bonds, the proper officers of the county, town, city or village, as the case may be, shall at the time of subscribing, issue and deliver to said company orders on the treasurer of the county, town, city or village, as the case may be, for the amount of the subscription payable according to the terms of such subscription, which orders shall at once be accepted by such treasurer, and shall be binding on the county, town, city or village, as the case may be.

Definition of "proper officers" and "proper authorities."

SECTION 5. For the purposes of this act, the term, "proper officers" shall be held to intend and mean, in the case of a county, the chairman and clerk of the county board of supervisors of such county; in the case of a town, the chairman of the town board and the town clerk; in the case of a city, the mayor and city clerk, and in the case of a village, the president and clerk of the village; and the term, "proper authorities" shall be held to intend and mean, in the case of a county, the county board of supervisors; in the case of a town, the town board of supervisors; in the case of a city, the common council, and in the case of a village, the board of trustees or other local governmental board by whatever name it may be called, which is clothed with the power to levy taxes; and any and all bonds issued under this act by any county, town, city or village, shall [be] officially signed by the proper officers thereof as aforesaid; and in the case of a town there shall be added the certificate of the clerk of the board of supervisors of the county in which the

town is situated, under the seal of the county, that the town officers subscribing the bonds are in fact such officers, and that their signatures thereto are genuine.

County, town, etc., to be severally liable for payment of bonds, and shall levy tax therefor.

SECTION 6. Every county, town, city or village which, by the provisions of this act, is authorized to issue any bonds, shall be severally liable in law, faithfully, promptly and at maturity, to pay and discharge the principal and interest upon every such bond issued by it, and the separate faith of every such county, town, city or village shall by the issue of such bond or bonds, be irrevocably pledged to the prompt discharge of every such liability; and every such county, town, city or village shall annually levy and collect a tax on all its taxable property, for the payment of all moneys to fall due upon such bonds, whether for interest or principal, (in addition to all other taxes) and the money so raised shall be kept as a separate fund and strictly applied to that purpose; and it may in the discretion of its proper authorities, raise a greater sum in any one year than is raised to pay what falls due in that year, and apply the same to the purchase and discharge of such bonds, at the lowest practicable rate or price.

May appoint agent to represent them at meetings of stockholders.

SECTION 7. The proper authorities of any such county, town, city or village may appoint an agent who shall vote at all meetings of stockholders of said company for the election of officers or otherwise, on all the stock of such county, town, city or village, as the case may be, on which there is no default in payment of the subscription for such stock, or of the interest on the bonds given for such stock, but not on any stock if any such default exist on the part of such county, town, city or village, as the case may be.

Shares and dividends pledged for payment of principal and interest of bonds.

SECTION 8. All shares of stock in said company so taken by such counties, towns, cities or villages, and all dividends earned upon the same, are pledged and shall stand as a security for the payment of the principal and interest of the county, town, city or village bonds, if any given therefor, and the certificates of such stock shall contain or have endorsed thereon a statement or notice to that effect; and no such stock shall be sold or transferred by such county, town, city or village for less than par, principal and interest, without the consent of said company, and if it be sold at par, the proceeds of sale shall be wholly and strictly

devoted to the payment or purchase of the bonds so given for the same, until such bonds are all paid or taken up and canceled.

SECTION 9. Any county, town, city or village such as are mentioned in section one of this act, may receive, entertain and hold an election upon two or more propositions such as are referred to in section two of this act, until one such proposition shall have been accepted, acted on and carried out by taking stock and paying or securing payment for the same by bonds pursuant to this act and to such proposition, but only one such proposition shall be so accepted and carried out by the same county, town, city or village; and when any such county, town, city or village shall have made one such entire issue of bonds to said company, so fully carrying but one such proposition, it shall issue no more to the same company under this act.

Counties, towns, etc., may entertain two or more propositions.

SECTION 10. After any such county, town, city or village shall have paid money or given bonds for stock to said company, as permitted by this act, said company shall not materially change or alter the location of that part of its road which lies within the limits of such county, town, city or village, as the case may be, without the consent of the proper authorites of such county, town, city or village, until the company shall have paid or tendered back all the moneys with interest, and all the bonds so received from that county, town, city or village; but after such payment or tender, it may alter such location at any time before that part of the road shall have been actually built, and upon such payment or tender by the company before such part is built, in any case, the stock taken by the county, town, city or village, as the case may be, shall be given up and canceled, and shall be void.

Location of railroad not to be changed after money or bonds have been exchanged for stock.

SECTION 11. This act is hereby declared to be a public act, and the secretary of state shall immediately cause the same to be published, and the same shall be in force from and after its passage and publication, and shall be liberally construed to promote the purposes thereof.

Public act.

Approved March 5, 1870.

## CHAPTER 26.

[*Published March* 8, 1870.]

AN ACT to define and limit the effect of section 6, chapter 167 of the general laws of 1869, entitled "an act to provide for the re-assessment and collection of delinquent taxes of 1865 and 1866, on the shares of national banks in this state."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Repeal not to affect actions commenced.

SECTION 1. The repeal of section fourteen of chapter one hundred and thirty-six of the general laws of 1868, by section six of chapter one hundred and sixty-seven of the general laws of 1869, shall not be taken, held or construed to affect in any way or manner, any action or suit commenced under said section fourteen, and which was pending when said repealing act was passed, nor to affect in any way or manner the rights of any person or persons, who had prior to the passage of said chapter 167, made payment of any tax or taxes on any share or shares in any national bank under said section fourteen; but as to such suit or action, and as to such payments, the provisions of said section fourteen shall be held and deemed to be still in full force and effect, and wholly unaffected by said repealing act.

SECTION 2. This act shall take effect and be in full force and effect from and after its passage and publication.

Approved March 5, 1870.

## CHAPTER 27.

[*Published March* 8, 1870.]

AN ACT to amend section 100, chapter 13, revised statutes, entitled "of counties and county officers."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 100, chapter 13, of the revised statutes, entitled "of counties and county officers," is hereby amended by adding to the end of said section 100, the following, to wit: And he shall also, as soon as may be after entering upon the duties of his office, and after the passage of this act, appoint some proper person deputy in every incorporated city or village in his county, when the inhabitants of such city or village shall exceed three thousand, and the person so appointed shall be a resident of the city or village in which he is appointed, and shall hold office during the pleasure of such sheriff; and as soon as a vacancy shall occur in the office of such deputy, or he become incapable of executing the same, another shall in like manner be appointed in his place, for whose official acts said sheriff shall be responsible, as in case of other deputies or under sheriffs.

Amended.

Sheriff shall appoint deputies.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1870.

## CHAPTER 28.

[*Published March* 8, 1870.]

AN ACT to amend section two, chapter 180, general laws of 1868, entitled "an act to provide for the assessment of property for taxation, and the levy of taxes thereon."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 2 of chapter 180 of the general laws of 1868, is hereby amended by adding thereto a subdivision, to be known as subdivision 15th of said section, which shall be as follows: Artificial trout ponds and the trout produced and raised therein.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1870.

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## CHAPTER 29.

[*Published March* 8, 1870.]

AN ACT to amend chapter 151 of the general laws of 1869, entitled "an act to modify the laws relating to normal schools, and to amend chapter 94 of the general laws of 1869, and chapter 116 of the general laws of 1866."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section five of chapter 151 of the general laws of 1869, is hereby amended so as to read as follows: "the income of the normal school fund shall be applied to establishing, supporting and maintaining normal schools, under the direction and management of the board of normal school regents."

Amended.

SECTION 2. The last clause of section 24 of said chapter 151 is hereby amended so as to read as follows: "the board of regents shall hold an annual meeting at

the capital of the state, on the second Wednesday of July in each year, or at such time as may be hereafter designated by said board."

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1870.

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## CHAPTER 30.

[*Published March* 8, 1870.]

**AN ACT relating to courts held by justices of the peace, and amendatory of section 5 of chapter 120 of the revised statutes.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 5 of chapter 120 of the revised statutes, entitled "of courts held by justices of the peace," is hereby amended so as to read as follows: "every such justice shall have jurisdiction over and cognizance of the following actions and proceedings:

**Amended.**

**Jurisdiction of justices.**

First. Actions arising or growing out of contract, express or implied, wherein the debt or balance due or damages claimed shall not exceed two hundred dollars.

Second. Actions for injuries to persons or to real or personal property, wherein the damages claimed shall not exceed two hundred dollars.

Third. Actions to recover the possession of personal property, wherein the value of the property claimed shall not exceed two hundred dollars.

Fourth. Actions for forcible entry and detainer.

Fifth. Actions for a penalty not exceeding two hundred dollars, given by any statute of this state.

Sixth. To take and enter a judgment on the confession of a defendant, when the amount confessed shall not exceed three hundred dollars.

SECTION 2. On the rendition of judgment by any justice of the peace of this state in favor of any party for damages and costs, or either, the said justice shall tax as part of the costs, an attorney's fee, to be recov-

**Justice shall tax attorney's fees in bill of costs.**

ered by the prevailing party, of five dollars in all cases where the judgment shall not exceed the sum of fifty dollars, and ten dollars in all cases where the judgment shall exceed the sum of fifty dollars.

SECTION 3. This act shall be in force from and after its passage and publication.

Approved March 7, 1870.

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## CHAPTER 31.

[*Published March 9, 1870.*]

**AN ACT to amend section 16 of chapter 67 of the revised statutes, entitled of "cemetery associations."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Amended.**

SECTION 1. Section 16 of chapter 67 of revised statutes is hereby amended by striking out the words, "forever thereafter," and inserting in their place the words, "while any person is buried thereon," so that said section shall read as follows: Whenever the lands of any such association shall be laid out in lots, and such lots or any of them, shall be transferred to individual proprietors, and after there shall have been an interment in any lot so transferred, such lot from the time of such interment shall while any person is buried thereon be inalienable, and shall upon the death of the proprietor descend to the heirs of such proprietor forever, but any one or more of such heirs may release to any other of said heirs, his, her or their interest in the same. A copy of such release shall be filed with the town clerk of the town or with the register of the city within which the said cemetery shall be situated. The body of any deceased person shall not be interred in any such lot unless it be the body of a person having at the time of such decease an interest in such lot, or the relative of some person having some interest, or the wife of such person or her relative, except by the consent of all persons having an interest in such lot.

**Lots in cemeteries to be inalienable and to descend to heirs.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1870.

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## CHAPTER 32.

[*Published March 9, 1870.*]

AN ACT to repeal chapter 110 of the general laws of 1866, entitled "an act relating to the license and keeping of dogs, and to repeal chapter 415 of the general laws of 1865, and chapter 404 of the general laws of 1862, relating to the license and keeping of dogs."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter 110 of the general laws of 1866, entitled "an act relating to the license and keeping of dogs, and to repeal chapter 415 of the general laws of 1865, and chapter 404 of the general laws of 1862, relating to the license and keeping of dogs," is hereby repealed, and all other laws relating to the license and keeping of dogs, be and the same are hereby repealed, and each and every town in the state of Wisconsin, and all town officers therein are hereby absolved and relieved from the operation, force and effect of all laws relating to the license and keeping of dogs, now and heretofore in force in this state, whether such towns or town officers have fully complied with such laws or not. Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1870.

## CHAPTER 88.

[*Published March* 14, 1870.]

AN ACT to amend section 37 of chapter 182 of the general laws of 1869, entitled "an act to establish a township system of school government."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section thirty-seven of chapter one hundred and eighty-two of the general laws of 1869, entitled "an act to establish a township system of school government," is hereby amended by adding at the end of said section the words following: no vote shall be taken upon the question of township school government in pursuance of this act, unless notice thereof shall be given as hereinafter provided. The town clerk of any town, upon the petition in writing of any ten electors of said town, shall publish by posting in three of the most public places in said town a notice in writing, that the question of township school government will be submitted to the electors of said town at the ensuing town meeting or fall election. Such notice shall be so published and posted, at least ten days before the holding of any such town meeting or fall election; and any town having adopted the township school government according to the provisions of this act, may abolish the same at any town meeting or spring election, or at any fall election in the same manner as provided for its adoption in this section.

Town clerk shall give notice

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1870.

## CHAPTER 34.

[*Published March* 10, 1870.]

AN ACT to amend section 18 of chapter 120 of the revised statutes in relation to claims against railroad companies.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section eighteen of chapter one hundred and twenty of the revised statutes is hereby amended by adding thereto the words: "*provided*, that in all actions for damages against any railroad company or corporation operating any railroad within this state under any lease or otherwise, the process may be served upon any agent of the corporation against which the damage is claimed, who has charge of a depot or station on the line of railroad owned or operated by said company or corporation." Amended.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1870.

## CHAPTER 35.

[*Published March* 10, 1870.]

AN ACT to provide for the payment of the chief messenger of the assembly.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The per diem of the chief messenger of the assembly is hereby fixed at three dollars per day, and there is hereby appropriated out of any money in the state treasury not otherwise appropriated, a sum sufficient to pay the per diem of said messenger. Per diem of chief messenger

SECTION 2. This act shall apply to the whole term of the present session of the legislature.

SECTION 3. This act shall take effect and be in force from and after its passage

Approved March 8, 1870.

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## CHAPTER 36.

[*Published March* 14, 1870.]

AN ACT relating to a special term of court in the seventh judicial circuit.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Regular terms to be also special terms.

SECTION 1. The regular terms of circuit court held in each of the counties in the seventh judicial circuit in this state, shall be special terms for the whole of said circuit; and all actions, motions, proceedings or other business now pending or which may hereafter arise in any or either of the counties in said circuit, and not requiring a jury, may be brought on, heard, tried and determined, or otherwise acted upon or disposed of, at any or either of said special terms, in the same manner and with the same force and effect as if the same were brought on, heard, tried and determined or otherwise acted upon or disposed of, in the county wherein the same are now pending or may hereafter arise; and when any causes or matters are pending in either counties, different from the county in which the special term is held, the clerk of the court where the special term is held shall transmit all orders, judgments and other papers to the clerk of the circuit court of the county where said causes or matters are pending, and the said papers shall be filed and entered by such clerk in the same manner as if said cause or matter had been heard or determined by the circuit court at a term thereof held in that county. And all orders, proceedings and judgments made in pursuance of this act, shall have the like force and effect as if made in the county where such causes or matters are or may be pending. And no notice of the holding of such

special term shall be required, other than the passage and publication of this act.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1870.

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## CHAPTER 37.

[*Published March* 12, 1870.]

AN ACT to amend section 1 of chapter 179 of the general laws of 1863, entitled an act to amend section 1 of chapter 36 of the revised statutes, entitled "of the sale of intoxicating liquors to Indians."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 1 of chapter 179 of the general laws of 1863 is hereby amended by striking out the words, "who receives his annuity from the United States," where the same occur in the fifth and sixth lines of said section. Amended.

SECTION 2. Section three of chapter 36 of the revised statutes is hereby amended so as to read as follows: Section 3. When any offense shall hereafter be committed under the first section of this chapter, it shall be lawful to prosecute the offender by indictment in the circuit court of the proper county, or by complaint made as in other criminal cases before any justice of the peace of the proper county, and upon conviction the offender shall be punished by fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months, or both, in the discretion of the court or justice of the peace before whom such conviction may be had: *provided*, that in all cases of prosecutions under this section before a justice of the peace, the defendant shall enjoy the same right of appeal as in all other cases. Amended. How offender to be prosecuted.

SECTION 3. This act shall be in force from and after its passage and publication.

Approved March 8, 1870.

the same and draw a warrant on the state treasurer for the payment thereof.

They shall take and subscribe oath.

SECTION 4. Before entering upon the duties of their office, the persons appointed to constitute said board of commissioners shall severally take and subscribe an oath or affirmation before some officer authorized to administer oaths, to faithfully execute the trust reposed in them by this act, which said oath or affirmation shall be filed in the office of the secretary of state; and in case of vacancy in said commission, by death or otherwise, the same shall be filled by appointment by the governor. The said board shall make a full report of all their proceedings to the governor at the close of their term of service.

Building commissioners to be appointed.

SECTION 5. When the location and possession of the site shall have been accomplished, the governor shall appoint three commissioners, to be known as the building commissioners for the additional institution for the insane, whose term of office shall be for three years, if the building be not sooner completed, or the legislature otherwise determine.

They shall procure plans.

SECTION 6. The said board of building commissioners, after consultation with the medical superintendent of the present state hospital for the insane, shall at the earliest day practicable, procure plans, drawings and specifications for the buildings necessary and proper for said institution, the general features of which shall be similar to the present state hospital for the insane, with such modifications as experience may dictate, but the plan determined on by the board shall be such as will admit of future enlargement, so as to preserve the symmetry, and be when ultimately completed of capacity not less than the present hospital building at Madison: *provided*, that the erection only of such portion of such building shall be undertaken by the said board under the provisions of this act, as may be completed and made ready for occupancy by the appropriation herein made.

Shall advertise for proposals.

SECTION 7. When the said board of building commissioners shall have obtained the proper plans of building, to be approved by the governor, they shall advertise for thirty days, in one paper in Madison, Milwaukee, and three other prominent points in the state, for sealed proposals for the erection of such

sixty days after the passage of this act, and organize by appointing one of their number chairman and another secretary, and said commissioners shall proceed to duly consider the present and future necessities of the state, and to examine, select and possess for the state, a tract of land suitable and desirable for the location of said institution; said location shall contain not less than one hundred and sixty acres of land for a farm and site upon which the institution shall be built. In selecting a location for said institution the commissioners shall have especial regard to the following conditions: first, there shall be at easy command upon the premises an unfailing supply of pure water, sufficient for bathing, steam heating apparatus, sewerage and all other purposes for a household of three hundred and fifty persons; second, there shall be good natural facilities for complete and perfect sewerage; third, the commissioners shall have regard to cheapness and excellence of building material and convenience of access: *provided*, the said tract of land may be acquired by donation, or may be purchased at a price not exceeding the sum of ten thousand dollars, and the said board shall take a deed of conveyance of the same in fee simple to the state of Wisconsin, and cause the same to be properly recorded in the office of the register of deeds, for the county in which the same shall be located: *provided*, this institution shall be located within two miles of a railroad station.

What conditions commissioners to observe.

SECTION 3. When the location shall have been made and approved by the governor, and on the execution and delivery of said deed of conveyance, the said board of commissioners shall in case the same is acquired by purchase, certify to the secretary of state the conditions of said purchase and the amount due, and he shall draw a warrant on the state treasurer for the purchase money to be paid to the grantor. The said commissioners shall receive five dollars per day each for every day spent in locating said institution, and their necessary traveling expenses during the time employed in said service. When the location is made as herein provided, the service of said commissioners shall end. All accounts for such services and expenses shall be rendered in detail and verified by affidavit, and the secretary of state is hereby authorized to audit

Commissioners shall certify to secretary of state.

Their compensation.

## CHAPTER 40.

[*Published March* 11, 1870.]

**AN ACT to exempt disabled soldiers from the payment of poll taxes and from the payment of hawkers and peddlers' license fees.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Exempted.

SECTION 1. All disabled soldiers who served in the late war are hereby exempted from the payment of all poll taxes, and from the payment of all hawkers and peddlers' license fees which are now imposed by any law of this state.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1870.

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## CHAPTER 41.

[*Published March* 11, 1870.]

**AN ACT to change the time of holding the terms of the circuit court in and for the seventh judicial circuit.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Time changed.

SECTION 1. The terms of the circuit court in and for the county of Waushara, in the seventh judicial circuit, shall hereafter be held on the fourth Monday in March and the second Monday in September in each year.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 10, 1870.

## CHAPTER 42.

[*Published March* 14, 1870.]

**AN ACT to amend section 1 of chapter 6 of the general laws of 1868, entitled "an act to amend section 1 of chapter 133 of the general laws of 1865, entitled 'an act relating to the terms of the circuit court of the fifth judicial circuit, and amendatory of chapter 15 of the general laws of 1865.'"**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of chapter six of the general laws of 1868, entitled "an act to amend section one of chapter one hundred and thirty-three of the general laws of 1865, entitled 'an act relating to the terms of the circuit court of the fifth judicial circuit, and amendatory of chapter fifteen of the general laws of 1865,'" is hereby amended by striking out the words, "on the fourth Monday in April," after the word, "La Fayette," in the twelfth line of said section, and inserting instead thereof the words, "on the fourth Monday in June," so that hereafter the general and special terms of the circuit court of the fifth judicial circuit shall be held as follows: in the county of Grant, on the first Monday in March and second Monday in September of each year. In the county of Iowa, on the fourth Monday in March and first Monday in October of each year. In the county of La Fayette, on the fourth Monday in June and the first Monday in December. In the county of Richland, on the second Monday in April and the fourth Monday in October, and in the county of Crawford, on the first Monday in June and the second Monday in November of each year, as aforesaid. Amended.]

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1870.

## CHAPTER 43.

[*Published March* 14, 1870.]

AN ACT to limit the uses of railroads and the power of railroad corporations on Wisconsin Point, and to prohibit the bridging of the entry of the Bay of Superior.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Not lawful to construct railroad on or connect with railroad at Wisconsin Point.

SECTION 1. It shall not be lawful for any person or corporation to have, construct or operate any railroad on or along the strip of land known as Wisconsin Point, in Douglas county, for any purposes of connecting by that route with or receiving freight or passengers from or transferring the same to any railroad that may be constructed or operated on or along Minnesota Point, in the state Minnesota, and it shall not be lawful for any person or corporation that may hereafter construct or operate any railroad on or along said Wisconsin Point, by that route, to connect with or receive freight or passengers from or transfer the same to (whether by bridge, ferry or otherwise,) any railroad that shall be constructed on or along the said Minnesota Point, or to construct or use in any manner for any purpose whatever a bridge across the entry of the Bay of Superior, between said Minnesota Point and said Wisconsin Point.

All laws to be construed subject to this act.

SECTION 2. All laws of this state heretofore passed or hereafter to be passed, conferring any right, privilege or franchise on any person or corporation shall be constructed [construed] subject to the provisions of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1870.

# CHAPTER 44.

[*Published March* 12, 1870.]

**AN ACT to amend section one (1) of chapter 113 of the general laws of 1867, entitled "an act in relation to tax deeds."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one (1) of chapter one hundred and thirteen (113) of the general laws of 1867, is hereby amended so as to read as follows: Section 1. Whenever any lot or tract of land which has been or shall hereafter be sold for taxes, shall have been in the actual occupancy or possession of any person other than the owner and holder of the tax certificate, or those holding under him for the period of thirty days or more at any time within the six months immediately preceding the expiration of the time of redemption, or the six months immediately preceding the time when the deed shall be applied for, such deed shall not be issued unless a written notice shall have been served upon the owner or upon such occupant, by the holder of the tax certificate, at least three months prior thereto, stating that he is the holder of such certificate, and setting forth a copy thereof, and stating the time when such deed will be applied for; and at any time previously thereto or to the issuing of such deed, such lot or tract of land or any part or interest therein, may be redeemed from taxes upon the same terms as in other cases, and paying in addition one dollar for making the notice and affidavit herein required, and serving notice. An affidavit showing such service and specifying particularly the time and manner thereof, shall also be filed with the clerk of the board of supervisors before such deed shall be issued, and in no case shall any tax deed be issued upon any tax certificate, except upon proof of the service of the notice, as herein provided, or proof filed with such clerk, that the land described in such certificate of tax sale was not occupied or possessed for the period of thirty days as hereinbefore specified.

**Amended.**

**Deed not to be issued without service of notice.**

SECTION 2. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 10, 1870.

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## CHAPTER 45.

[*Published March* 14, 1870.]

**AN ACT to increase the penalty for trespassing upon the public lands of this state.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Penalty incurred.

SECTION 1 In addition to the penalties now provided by law against persons trespassing upon lands belonging to this state, also lands held on certificate and lands mortgaged to the state, or lands held in trust by the state, it is hereby provided that whenever a trespass is settled under the provisions of the statute, the trespasser is hereby required to pay all the expenses of seizure and taking charge of the same until the settlement is completed, and the timber clerk who makes the seizure is authorized and required to collect the same, and report the amount of such charges and expenses so recovered to the school land commissioners.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1870.

## CHAPTER 46.

[*Published March* 14, 1870.]

**AN ACT to provide and appropriate compensation to the officers of the legislature.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, a sum sufficient to pay the per diem of officers of the legislature as follows: to the chief clerks, each six dollars; to the assistant clerks, book keepers and sergeant-at-arms each, five dollars; to all other clerks, clerks of standing committees, assistant sergeant-at-arms and postmasters each, four dollars; to the assistant postmasters, door keepers, firemen, porters, gallery attendants and night watchmen each, three dollars and fifty cents; to all messengers each, two dollars. **Appropriation.**

SECTION 2. This act shall apply to the whole time of the present session of the legislature. **Application of act.**

SECTION 3. Chapter 58 of the general laws of 1868 is hereby repealed. **Repealed.**

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 11, 1870.

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## CHAPTER 47.

[*Published March* 14, 1870.]

**AN ACT relating to the incidental expenses of the county superintendent of schools of Winnebago county.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The county board of supervisors of Winnebago county are hereby authorized and empow- **County board to allow accounts.**

ered to allow the accounts of the superintendent of schools of said county, for incidental expenses of his office, to an amount not exceeding two hundred dollars per annum, in addition to the allowance for stationery, postage and printing, provided for by law, and the same shall be paid as other accounts allowed against said county are paid.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1870.

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## CHAPTER 48.

[*Published March* 15, 1870.]

AN ACT to amend section 1 of chapter 164 of the general laws of 1865, entitled an act to amend chapter 40 of the general laws of 1861, entitled an act requiring owners of certain machines to guard against accidents.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section one of chapter 164 of the general laws of 1865, entitled "an act to amend chapter 40 of the general laws of 1861, entitled 'an act requiring owners of certain machines to guard against accidents,'" is hereby amended so as to read as follows: Section one of chapter 40 of the general laws of 1861, entitled "an act requiring owners of certain machines to guard against accidents," is hereby amended so as to read as follows: The joints or knuckles and jacks of the tumbling rods of all threshing machines hereafter used in this state, except S. N. Taylor's knuckle or coupling, patented February 16, 1864, and except J. I. Case & Co.'s safety knuckle or coupling, known as the universal safety knuckle, and C. W. Yates' safety coupling or knuckle, patented December 11, 1866, and except A. J. Langworthy's patent safety knuckle or universal joint, and except Hiram Dodge's improved shaft coupling, patented October 19, 1869, shall be securely enclosed in a box.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1870.

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## CHAPTER 49.

[*Published March* 14, 1870.]

**AN ACT to provide for a course of instruction in the state normal schools for certain pupils of the Soldiers' Orphans' Home.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The board of trustees of the Soldiers' Orphans' Home are hereby authorized and empowered to select from the most proficient and best qualified pupils of said Home annually a number, not exceeding six, and to place such pupils in one of the state normal schools, and maintain them there at the expense of the state, while such pupils are pursuing a course of instruction for the purpose of qualifying them as teachers of common schools: *provided*, that the expenses of so maintaining them shall not exceed two hundred dollars in full for board, clothing and books, per annum for each pupil, and that no one pupil shall be so maintained for more than two years.

**May select pupils to send to normal schools.**

SECTION 2. Those to be placed in the normal schools for such course of instruction shall be selected from the pupils of the Home in the following manner, to wit: At the request of the board of trustees of said Home, the state superintendent of public instruction shall annually examine all pupils in the Home who are at the time of such examination fifteen years of age or more, in regard to their scholarship and other qualifications necessary for successful teachers of common schools, and shall designate by name all those so examined who, in his opinion, are qualified to enter upon the course of instruction herein provided for, and who will in his opinion, by such course of instruction, become successful teachers of common schools; and from the number so designated by such superintendent

**How to be selected.**

the said board of trustees shall select those to be placed in normal schools; and in making such selection from year to year, they shall distribute the benefits of this act equally, as far as practicable, among the representatives in said Home, of the several congressional districts of the state.

Shall make statement in annual report.

SECTION 3. The board of trustees of said Home shall include in their annual report for each year a detailed statement of their doings under authority of this act, and an itemized account of all expenses incurred, and shall also deposit vouchers with the state treasurer for all moneys expended in carrying out the provisions of this act.

Appropriation.

SECTION 4. There is hereby annually appropriated to the board of trustees of the Soldiers' Orphans' Home of Wisconsin, from any money in the state treasury belonging to the general fund, not otherwise appropriated, a sum sufficient to carry into effect the provisions of this act.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1870.

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## CHAPTER 50.

[*Published March* 14, 1870.]

AN ACT to authorize the State Board of Immigration to appoint an agent in the city of New York.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

May appoint agent in New York.

SECTION 1. The governor of this state, and *ex-officio* a member of the State Board of Immigration, is hereby authorized to appoint an agent for said board residing in the city of New York, whenever in his judgment, it may be necessary to aid the objects for which said board was organized by the laws of this state: *provided*, no compensation shall be paid by this state for the services of such agent.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 11, 1870.

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## CHAPTER 51.

[*Published March* 19, 1870.]

**AN ACT to amend chapter 47 of the revised statutes, entitled "of recording town plats and of town sites on public land."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 4 of chapter 47 of the revised statutes is hereby amended so as to read as follows: the plat or map after having been completed shall be certified by the surveyor and the officers, and every person or persons whose duty it may be to comply with the foregoing requisition shall at or before the time of offering such plat or map for record, acknowledge the same before any person authorized to take the acknowledgement of deeds. A certificate of such acknowledgement shall by the officer taking the same, be endorsed on the plat or map, which certificate of the survey and acknowledgement shall also be recorded and form a part of the record: *provided*, that all records of additions or subdivisions of out lots to any town, city or village in this state which shall be defective for the reason that the foregoing provisions have not been fully complied with, shall be entitled to evidence, and the same shall be *prima facie: provided*, said records were made prior to the year 1850, and the title to the lands shall have passed out, the person or persons laying out the same.

**Amended.**

**Plat to be acknowledged and certified to.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1870.

## CHAPTER 52.

[*Published March* 15, 1870.]

**AN ACT to amend section 1 of chapter 132 of the general laws of 1868, entitled "an act to provide for the re-assessment and collection of taxes."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Amended.**

SECTION 1. Section one (1) of chapter 132 of the general laws of 1868, "entitled an act to provide for the re-assessment and collection of taxes" is hereby so amended as to read as follows: Section 1. All taxes and assessments, either special or general, which have been heretofore or may hereafter be levied in any town or city in this state, upon any lands or real estate in such town or city, and which may have been or shall be set aside and declared illegal or void by the judgment of any court of this state, or by the action of any county board of supervisors of this state, or by the clerk of the board of supervisors of any county, in consequence of any irregularity in any of the proceedings in levying said tax or assessment, or of an erroneous or imperfect description of said lands and real estate, or in consequence of any omission to comply with the forms of law under which said tax or assessment may be or has been made, or for any other cause, may be re-assessed and re-levied upon said lands or real estate in any such town or city, at any time within two years after the judgment of the court is pronounced, or the action of the county board of supervisors or any clerk thereof, setting aside said tax or assessment, and it shall be the duty of any town board of any town, or city council of any city, and they are hereby respectively authorized to insert in the tax roll of such town or city, the amount of such tax or assessment, and the same shall be collected the same as other taxes and assessments are collected which have been assessed upon such lands or real estate for the year in which said assessment is inserted in the tax roll.

**Taxes declared void may be re-assessed.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1870.

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## CHAPTER 53.

[*Published March* 15, 1870.]

**AN ACT to amend section 3, chapter 75 of the general laws of 1867, entitled "an act relating to the salaries of certain county officers."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three (3) of chapter seventy-five (75) of the general laws of 1867, is hereby amended so as to read as follows: In case the county board of supervisors of any county fail to establish the salary of any such county officer, as provided for in section one (1) of this act, then and in that case each and every such officer shall receive the same annual salary as that received by his immediate predecessor in office: *provided, however*, the county of Walworth shall be and is hereby declared to be exempt from the provisions of this act, so far as relates to fixing and determining the salary of the county superintendent of schools of said county.

**Amended.**

**If salary not fixed by county board, how to be fixed.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Presented to the governor March 10, 1870; deposited with the secretary of state, March 14, 1870.

The foregoing act having been presented to the governor of the state of Wisconsin for his approval, and not having been returned by him to the house of the legislature in which it originated within the time prescribed by the constitution of the state of Wisconsin, has become a law without his approval.

## CHAPTER 54.

[*Published March* 15, 1870.]

**AN ACT to authorize the regents of the State University to build an additional university building, and to appropriate fifty thousand dollars therefor.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation.

SECTION 1. To enable the regents of the University of Wisconsin to build an additional university edifice, to be located as near the present university building as the board of regents may deem expedient, there is hereby appropriated for such purpose, the sum of fifty thousand dollars, ten thousand thereof to be paid from the state treasury on the first day of May, 1870, and the remaining forty thousand dollars on the first day of May, 1871, and the state treasurer is hereby directed to set apart from the general fund in the treasury of the state at the time aforesaid, the said amounts, and to hold the same thereafter, as treasurer of the regents of the University.

Regents may proceed to erection of building.

SECTION 2. The regents of the University of Wisconsin are authorized to proceed to the erection of such additional edifice at such time and after such plan as they may deem expedient, and the treasurer of such board is authorized to pay out the moneys appropriated by section one of this bill, [act,] as the same may be required for such purpose, and upon such vouchers as the board of regents may by instruction direct: *provided*, this act shall be so construed as to limit the liability of the state on account of the erection of such additional university edifice to the said amount of fifty thousand dollars.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 12, 1870.

## CHAPTER 55.

[*Published March* 15, 1870.]

**AN ACT to amend chapter 48 of the general laws of 1868, entitled "an act to amend chapter 19 of the revised statutes, entitled 'of highways and bridges.'"**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of chapter 48 of the session laws of 1868, is hereby amended to read as follows: section 25 of chapter 19 of the revised statutes, entitled "of highways and bridges," is hereby amended by inserting in the fifth line of the second clause, immediately after the word, "Sheboygan," the words, "Ashland, Bayfield, Burnett, Dallas, Douglas, Monroe, Polk, Marathon, Waupaca, Outagamie, Kewaunee and Door." **Amended.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1870.

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## CHAPTER 56.

[*Published March* 22, 1870.]

**AN ACT to provide for the incorporation and government of fire and inland navigation insurance companies.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Any number of persons not less than fifteen may associate and form an incorporated company for the purposes, to wit: To make insurance on dwellings, stores and all kinds of buildings, and upon household furniture and other property, against loss or damage by fire and the risks of inland navigation and transportation. Any and all insurance companies hereafter incorporated under the provisions of this act, which shall in the declaration and charter provided to be filed, have expressed an intention to make insurance, or which shall have power to make insurance against loss or damage by the risks of inland naviga- **May form companies, and for what purpose.**

tion or transportation, shall have power to make insurance upon vessels, boats, cargoes, goods, merchandise, freights and other property, against loss and damage by all or any of the risks of lake, river, canal and inland navigation and transportation.

May re-insure.

SECTION 2. Any companies organized under this act shall have power to effect re-insurance of any risks taken by them respectively.

Shall file declaration with secretary of state.

SECTION 3. Such persons shall file in the office of the secretary of state a declaration signed by all the corporators, expressing their intention to form a company for the purpose of transacting the business of insurance, as expressed in the first section of this act, which declaration shall also comprise a copy of the charter proposed to be adopted by them, and shall publish a notice of such, their intention, once in each week for at least four weeks in all public newspapers published in the county where such insurance company is proposed to be located.

What charter shall set forth.

SECTION 4. The charter comprised in such declaration shall set forth the name of the company, the place where the principal office for the transaction of its business shall be located, the manner and mode in which the corporate powers granted by this act shall be exercised, the manner and mode of electing directors or trustees, a majority of whom shall be citizens of this state, and of filling vacancies, (but each director or trustee of a stock company shall be the owner of at least five hundred dollars' worth of the stock of the company, in his own right, at its par value); the period for the commencement or termination of its fiscal year, and the amount of capital to be employed in the transaction of its business. And the secretary of state shall have the right to reject any name or title of any company applied for, when he shall deem the name too similar to one already appropriated, or likely to mislead the public in any respect.

Not to sell goods.

SECTION 5. No company formed under this act shall, directly or indirectly, deal or trade in buying or selling any goods, wares, merchandise or other commodities whatever, excepting such goods or articles as may have been insured by such company, and are claimed to be damaged by fire or water.

Amount of capital stock required.

SECTION 6. No joint stock company shall be incorporated under this act in any incorporated city, nor

shall any company incorporated under this act establish an agency for the transaction of business in any city with a smaller capital than one hundred thousand dollars actually paid in in cash, nor elsewhere outside of an incorporated city in the state, with a less capital than fifty thousand dollars actually paid in in cash, nor shall any company formed for the purpose of doing business of fire and inland navigation insurance on the plan of mutual insurance, commence business until agreements have been entered into for insurance with at least three hundred applicants, the premiums on which shall amount to not less than one hundred and fifty thousand dollars, of which at least thirty thousand dollars shall have been paid in in cash, and notes of solvent parties founded on actual and *bona fide* applications for insurance shall have been received for the remainder; nor shall any company formed for the purpose of doing business of fire insurance only, on the plan of mutual insurance, commence business until at least one hundred and fifty applicants have entered into agreements for insurance, the premiums on which shall amount to not less than one hundred thousand dollars, of which twenty thousand dollars at least shall have been paid in in cash, and notes of solvent parties founded on actual and *bona fide* applications for insurance for the remainder, shall have been received. No one of the notes received as above shall amount to more than five hundred dollars; and no two shall be given for the same risk or be made by the same person or firm, except where the whole amount of such notes shall not exceed five hundred dollars, nor shall any such note be represented as capital stock unless a policy be received upon the same within thirty days after the organization of the company, upon a risk which shall be for no shorter period than twelve months. Each of said notes shall be payable, in parts or in whole, at any time when the directors shall deem the same requisite for the payment of losses by fire or inland navigation, and such incidental expenses as may be necessary for the transaction of the business of the company; and no note shall be accepted as part of such capital stock unless the same shall be accompanied by a certificate of the county judge in the county where the person making such note shall reside, that the person making the same is,

**Number of applicants required for mutual companies.**

**Premium notes—amount limited and when payable.**

in his opinion, pecuniarily good and responsible for the same, and no such note shall be surrendered during the life of the policy for which it was given. No joint stock fire insurance company, organized under this act or transacting business in this state, shall expose itself to any loss on any fire or inland navigation risk or hazard, to an amonnt exceeding ten per cent. of its paid up capital.

Books not to be opened till whole amount subscribed.

SECTION 7. It shall and may be lawful for the individuals associated for the purpose of oganizing any company under this act, after having published the notice and filed the declaration and charter as required by the third section of this act, and also on filing in the office of the secretary of state proof of such publication, by the affidavit of the publisher of such newspaper, to open books for subscription to the capital stock of the company so intended to be organized, and to keep the same open until the whole amount specified in the charter is subscribed; or in case the business is proposed to be conducted on the plan of mutual insurance, then to open books to receive propositions and enter into agreements in the manner and to the extent specified in the sixth section of this act.

May invest capital in bonds, etc.

SECTION 8. It shall be lawful for any insurance company organized under this act or incorporated under the laws of this state, to invest its capital and the funds accumulated in the course of its business or any part thereof, in bonds and mortgages or improved unincumbered real estate within the state of Wisconsin, worth at least fifty per cent. more than the sum loaned thereon, exclusive of buildings, unless such buildings are insured and the policy transferred to said company, and also in the stocks of this state or those of any city, county or town authorized to be issued by the legislature, also in the stocks and treasury notes of the United States, and to lend the same or any part thereof on the security of such stock, bonds or treasury notes, or upon bonds and mortgages as aforesaid, and to change and re-invest the same as occasion from time to time may require; but any surplus money over and above the capital stock of such fire and inland navigation insurance companies, or any insurance company incorporated under the laws of this state, may be invested in or loaned upon the pledge of the public stock or bonds

of the United States, or any one of the states, or on the stock, bonds or other evidences of indebtedness of any solvent dividend paying institutions incorporated under the laws of this state or the United States, except their own stock: *provided always*, that the market value of such stock, bonds or other evidences of debt, shall be at all times during the continuance of such loans at least ten per cent. above or more than the sum loaned thereon.

**Restrictions for the holding of real estate.**

SECTION 9. No company organized by or under this act shall purchase, hold or convey real estate, excepting for the purposes and in the manner herein set forth, to wit: such as shall be necessary for its convenient accommodation in the transaction of its business, or such as may have been mortgaged to it in good faith by way of security for loans previously contracted or for money due, or such as shall have been conveyed to it for debts previously contracted in its legitimate business, or for money due, or such as have been purchased at sales upon judgments, decrees or mortgages obtained or made for such debts; and all such real estate as may be acquired as aforesaid, and shall not be necessary for the accommodation of such company in the transaction of its business, shall be sold and disposed of within four years after such company shall have acquired title thereto, unless such company shall procure a certificate from the secretary of state that such company will suffer materially from a forced sale thereof, in which event the sale may be postponed for such period as the secretary of state may direct in the certificate; and the said secretary of state may also give such certificate, and extend the time for holding real estate in the like circumstances, on the application of any insurance company heretofore incorporated.

**Attorney general shall examine charter and certify to secretary of state who shall examine and certify as to capital, etc.**

SECTION 10. The charter and proof of publication herein required to be filed by every such company, shall be examined by the attorney general, and if found consistent with this act, and conformable to the constitution or laws of this state, shall be certified by him to the secretary of state, who shall thereupon cause an examination to be made, either by himself or by a disinterested person specially appointed by him for that purpose, who shall certify under oath that the capital herein required of the company named in the charter, according to the nature of the business proposed to be

transacted by such company has been paid in and is possessed by it in money, or in such stocks, bonds and mortgages as are required by the 8th section of this act, or if a mutual company, that it has received and is in actual possession of the capital, premiums or *bona fide* engagements of insurance or securities to the full extent and of the value required by the sixth section of this act, and the name and residence of the maker of each premium note forming part of the capital, and the amount of such note shall be returned to the secretary of state; and the corporators or officers of such company shall be required to certify under oath that the capital exhibited to this person, is *bona fide* the property of the company. Such certificate shall be filed in the office of the secretary of state, who thereupon shall deliver to such company a certified copy of the charter and of said certificates, which on being filed in the office of the clerk of the circuit [court] of the county where the company is located, shall be their authority to commence business and issue policies. And such certified copy of charter and certificates may be used in evidence for or against the company with the same effect as the originals.

**Shall have a corporate seal, etc.**

SECTION 11. The corporators, trustees or directors of any company organized under this act shall have a corporate seal, and they or their successors may alter or change the design of the same at pleasure; they shall also have the power to make such by-laws as will not conflict with this act or the constitution or laws of this state.

**No dividends to be made except from surplus profits.**

SECTION 12. It shall not be lawful for the directors, trustees or managers of any fire insurance company to make any dividends except from the surplus profits arising from their business, and in estimating such profits there shall be reserved therefrom a sum equal to the whole amount of premiums on unexpired risks and policies which are hereby declared to be unearned premiums, and also there shall be reserved all sums due the corporation on bonds and mortgages, stocks and book accounts, of which no part of the interest or principal thereon has been paid during the last year, and for which no suit or foreclosure has been commenced for collection, or which, after judgment thereon obtained, shall have remained more than two years unsatisfied, and on which interest shall not have

been paid, and also, there shall be reserved all interest due or accrued and remaining unpaid: *provided, always*, that any company may declare dividends not exceeding ten per cent. on its capital stock in any one year that shall have accumulated and be in possession of a fund, in addition to the amount of its capital stock and of such dividends, and all actual outstanding liabilities equal to one-half of all premiums on risks not terminated at the time of making such dividends. Any company making dividends contrary to the foregoing provisions shall be liable to a forfeiture of its charter, and each stockholder receiving it shall be liable to the creditors of such company, to the extent of the dividend received, as well as to the penalties in such cases made and provided. This section shall not apply to the declaration of scrip dividends by participating companies, but no such scrip dividends shall be paid except from surplus profits after reserving all sums as above provided, including the whole amount of premiums on unexpired risks. The word, "year" wherever used in this section shall mean the calendar year.

**Notes to remain as security for losses.**

SECTION 13. All notes deposited with any mutual insurance company at the time of its organization, as provided in section six of this act, shall remain as security for all losses and claims until the accumulation of profits invested as required by the eighth section of this act shall equal the amount of cash capital required to be possessed by stock companies organized under this act, the liability of each note decreasing proportionately as the profits are accumulated, but any note which may have been deposited with any mutual insurance company, subsequent to its organization, in addition to the cash premium on any insurance effected with such company, may at the expiration of the time of such insurance, be relinquished and returned to the maker thereof or his representative, upon his paying his proportion of all losses and expenses which may have accrued thereon during the term. The directors or trustees of any such company may or shall have the right to determine the amount of the note to be given, in addition to the cash premium by any person insured in such company, but in no case shall the note be more than twice the whole amount of the cash premium. And any persons effecting insurance in a mutual in-

surance company, and their heirs, executors, administrators or assigns, continuing to be so insured, shall thereby become members of said corporation during the period of insurance, and shall be bound to pay for all losses and necessary expenses as aforesaid, accruing in and to said company, in proportion to the amount of his deposit note or notes. The directors shall as often as they deem necessary, after receiving notice of any loss or damage by fire, sustained by any member, and ascertaining the same, and after the rendition of any judgment against said company for any loss or damage, settle and determine the sums to be paid by the several members thereof, as their respective portion of such loss or damage, and publish as they may deem best, or as the by-laws may require, and the sum to be paid by each member, shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the officers of the company, within thirty days after the publication of such notice; and if any member shall for the space of thirty days, after the publication of such notice, and after demand for payment shall have been made, neglect or refuse to pay the sum assessed upon him as his proportion of any loss, in such case the directors may sue for and recover the whole amount of his deposit note or notes, with costs of suit, but execution shall issue only for assessments and costs as they accrue, and every such execution shall be accompanied by a list of the losses for which the assessment is made. If the whole amount of deposit notes shall be insufficient to pay the loss occasioned by any fire or fires, in such case the sufferers insured by the said company, shall receive towards making good their respective loss or losses, a proportional share of the whole amounts of said notes, according to the sums by them respectively insured.

Directors to determine amount of losses to be paid.

Every mutual company shall embody the word "mutual" in its title.

SECTION 14. Every fire and inland navigation insurance company heretofore or hereafter organized, shall, if it be a mutual company, embody the word, "mutual" in its title, which shall appear on the first page of every policy or renewal receipt; and every company doing business as a cash stock company, shall upon the face of its policy in some suitable manner, express that such policy is a stock policy: *provided, however*, that companies now organized may for the year 1870, use their present form, with the words, "mutual" and "stock" omitted.

SECTION 15. Suits at law may be maintained by any corporation formed under this act, against any of its members or stockholders, for any cause relating to the business of the company; also suits at law may be maintained by any member or stockholder against such corporation for any losses which may have accrued if payment is withheld more than thirty days after such losses have become due, and any member or stockholder not a party to such suit may be a witness therein.

**Suits may be maintained.**

SECTION 16. The trustees and corporators of any company organized under this act, and those entitled to a participation in the profits of such company, shall be jointly and severally liable for all debts and responsibilities of such company until the whole amount of the capital shall have been paid in, and a certificate thereof recorded or filed as herein before provided. Notes taken in advance of premiums under this act are not to be regarded as debts of the company in determining its solvency, but are to be considered as assets of the company.

**Trustees and corporators to be jointly and severally liable.**

SECTION 17. Any existing fire insurance company, and any company formed under this law, may at any time increase its capital stock after notice given once a week for four weeks, in some newspaper published in the county where such company is located, of such intention, with the written consent of three-fourths in amount of its stockholders, unless otherwise provided in its charter; if a mutual company with the unanimous consent of its trustees, unless otherwise provided in its charter, by filing a copy of their charter so altered or amended in this respect, together with a certificate under its corporate seal, signed by its president, directors or trustees, of their desire so to do, in the office of the secretary of state, and upon the same proceeding had as required by the tenth section of this act. It shall be lawful also for any existing joint stock fire insurance company, or any company organized under this act, without increasing its capital stock, provided its actual paid up in cash capital is not less than fifty thousand dollars, at any time within two years previous to the termination of its charter, and after giving notice once a week for four weeks in some newspaper published in the county where such company is located, of such intention, and with a declara-

**May increase capital stock on notice.**

tion under its corporate seal, signed by its president and directors, of their desire for such extension, to extend the term of its original charter to the time specified in section twenty-five of this act, by altering and amending the same so as to accord with the provisions of this act, and filing a copy of the same in the office of the secretary of state, whereupon the same proceedings shall be had as required in the tenth section of this act.

All existing companies brought under this act.

SECTION 18. All insurance companies heretofore organized in the state of Wisconsin, and now doing business in this state, are hereby brought under all the provisions of this act, except that their capitals may continue of the amounts and character named in and authorized by their respective charters, during the existing term of such charters, and the investments of the capital and assets of such companies may remain the same as prescribed by their charters, anything in this act to the contrary notwithstanding; and such companies shall also be entitled to all the privileges and powers granted by said charters.

All companies to be deemed bodies corporate.

SECTION 19. All companies incorporated or extended under this act, shall be deemed and taken to be bodies corporate and politic, in fact and in name, and shall be subject to all the provisions of law in relation to corporations, so far as the same are applicable.

Officers to file statement of condition.

SECTION 20. It shall be the duty of the president or vice-president and secretary of each company organized under this act, or incorporated under any law of this state, annually on the first day of January of each year, or within one month thereafter, to prepare under their own oath, and deposit in the office of the secretary of state, a statement of the condition of such company on the thirty-first day of December then next preceding, exhibiting the following facts and items in the following form, namely:

Statement to embrace—

Capital stock.

First. The amount of the capital stock of the company.

Assets.

Second. The property or assets of the company specifying: 1st. The value, as near as may be, of the real estate held by such company. 2d. The amount of cash on hand and in such company's office, and also the amount deposited in bank to the credit of such company, and specifying in what bank or banks the same is deposited. 3d. The amount of loans secured

by bonds and mortgages constituting the first lien on real estate, on which there shall be less than one year's interest due or owing. 4th. The amount of loans on which interest shall not have been paid within one year previous to such statement. 5th. The amount due the company, on which judgments have been obtained. 6th. The amount of stocks of this state, of the United States, of any incorporated city of this state, and of any other stocks owned by the company, specifying the amount, number of shares and the par and market value of each kind of stock so held. 7th. The amount of stocks held thereby as collateral security for loans, with the amount loaned on each kind of stock, its par value and market value. 8th. The amount of the assessments on stock or premium notes, paid and unpaid. 9th. The amount of interest actually due and unpaid. 10th. The amount of premium notes on hand on which policies are in force.

Third. The liabilities of such company, specifying: 1st. The amount of losses due and unpaid. 2d. The amount of claims for losses resisted by the company. 3d. The amount of losses incurred during the year, including those claimed and not yet due, and those reported to the company upon which no action has been taken. 4th. The amount of dividends declared due and unpaid. 5th. The amount of dividends, either cash or scrip, declared but not yet due. 6th. The amount of money borrowed and security given for the payment thereof. 7th. The amount required to re-insure all outstanding risks. 8th. the amount of all other existing claims against the company. **Liabilities.**

Fourth. The income of the company, during the preceding year, specifying: 1st. The amount of interest money received. 2d. The amount of cash premiums received. 3d. The amount of notes received for premiums. 4th. The amount of income received from other sources. **Income.**

Fifth. The expenditures, during the preceding year, specifying: 1st. The amount of losses paid during the year, stating how much accrued prior, and how much subsequent to the date of the preceding statement. 2d. The amount of dividends paid during the year. 3d. The amount of expenses during the year, stating the amount paid officers' salary and fees; the amount paid agents' commission and fees, and **Expenditures.**

the amount paid for office expenses and rents, the amount for taxes, and the amount of all other payments and expenditures.

Secretary of state may address inquiries to companies.

SECTION 21. The secretary of state is hereby authorized and empowered to address inquiries to any insurance company or any officer thereof, in relation to the doings or condition or any other matter connected with its transactions; and it shall be the duty of any company or officer so addressed, to promptly reply in writing to any such inquiries. The statement of any company, the capital of which is composed in whole or in part of notes, shall in addition to the provisions of the foregoing section, exhibit the amount of notes originally forming the capital, and also what proportion of said notes is still held by such company and considered capital. The statements herein provided for shall be in lieu of any and all statements now required by any existing laws. Every fire insurance company organized under any law of this state, failing to make and deposit such statements, or to reply to any inquiry of the said secretary of state, shall be subject to the penalty of five hundred dollars, and an additional five hundred dollars for every month that such company shall continue thereafter to transact any business of insurance.

Penalty for failure to make statement.

Secretary of state to furnish blanks.

It shall be the duty of the secretary of state to cause to be prepared and furnished to each of the companies and to the attorneys of companies incorporated by other states and foreign governments, printed forms of the statements required by this act, and he may from time to time make changes in the form of such statements as shall seem to him best adapted to elicit from the companies a true exhibit of their condition in respect to the several points hereinbefore mentioned. It shall be the duty of the secretary of state to cause the information contained in the statements required by this section to be arranged in a tabular form, and publish the same on or before the first day of May next succeeding.

Not lawful to take risks without required amount of capital.

SECTION 22. It shall not be lawful for any fire insurance company, association or partnership incorporated by or organized under the laws of any other state of the United States, or any foreign government, for any of the purposes specified in this act, directly or indirectly, to take risks or transact any business of

insurance in this state, unless possessed of the amount of actual capital required of similar companies formed under the provisions of this act, and any such company desiring to transact any such business as aforesaid by any agent or agents in this state, shall first appoint an attorney in this state on whom process of law can be served, containing an agreement that such company will not remove the suit for trial into the United States circuit court or federal courts, and file in the office of the secretary of state a written instrument, duly signed and sealed, certifying such appointment, which shall continue until another attorney be substituted; and any process issued by any court of record in this state, and served upon any such attorney by the proper officer of the county in which such attorney may reside or may be found, shall be deemed a sufficient service of process upon such company, but service of process upon such company may also be made in any other manner now provided by law. In case any insurance company not incorporated in the state, shall cease to transact business in this state according to the laws thereof, the agents last designated or acting as such for such corporation, shall be deemed to continue agents for such corporation for the purpose of serving process, for commencing action upon any policy or liability incurred or contracted while such corporation transacted business in this state, and service of such process for the causes aforesaid, upon any such agent, shall be deemed a valid personal service upon such corporation, and every such company, association or partnership shall also file a certified copy of their charter or deed of settlements, together with a statement, under oath of the president or vice-president or other chief officer and secretary of the company for which he or they may act, stating the name of the company and place where located, the amount of its capital, with a detailed statement of its assets, showing the amount of cash on hand, in bank, the amount of real estate and how much the same is encumbered by mortgage, the number of shares of stock of every kind owned by the company, the par and market value of the same, amount loaned on bond and mortgage, the amount loaned on other security, stating the kind and amount loaned on each and the estimated value of the whole amount of such securities, any other assets or property of the company, also

If foreign company cease to do business in this state, agents deemed to continue agents.

Statement to be filed, and what to contain.

stating the indebtedness of the company, the amount of losses adjusted and unpaid, the amount incurred and in process of adjustment, the amount resisted by the company as illegal and fraudulent, and all other claims existing against the company, also a copy of the last report, if any made under any law of the state by which such company was incorporated; and no agent shall be allowed to transact business for any such company, whose capital is impaired to the extent of twenty per cent. thereof, while such deficiency shall continue, and any company incorporated by or organized under any foreign government, shall in addition to the foregoing, file in the office of the secretary of state a statement verified by the oath of the president, secretary or manager of such company, resident in the United States, showing to the satisfaction of the secretary of state, that such company has invested in the stocks or bonds of the United States, of the state of New York or Wisconsin; such stocks or bonds to be in all cases equal to a stock producing six per cent. per annum, or in bonds and mortgages on unincumbered real estate worth fifty per cent. more than the amount loaned thereon, the sum of at least two hundred thousand dollars, and that such stocks or bonds are deposited with the superintendent of the insurance department, state treasurer or other proper state officer of some one of the states of the United States, or are held by a citizen or citizens of the United States, as a trustee or trustees, and that such securities are not pledged or incumbered, but are held and remain for the benefit and security of the policy holders of such company, residing in the United States, or in default of such statement, shall deposit with the state treasurer for the benefit and security of policy holders residing in the United States, a sum not less than fifty thousand dollars, in stocks of the United States or of the state of Wisconsin, in all cases to be equal to a stock producing six per cent. per annum, said stocks not to be received by said treasurer at a rate above their par value, or above their current market value, or in bonds and mortgages on improved unincumbered real estate in the state of Wisconsin, worth fifty per cent. more than the amount loaned thereon. The stocks and securities so deposited may be exchanged from time to time for other securities receivable as aforesaid; and

**Stocks and securities deposited may be exchanged.**

so long as the company so depositing shall continue solvent and comply with the laws of this state, such company or association may be permitted by the said treasurer to collect the interest or dividends on said deposit, and where deposit is made of bonds and mortgages, accompanied by full abstracts of titles and searches, the fees for an examination of title by counsel, to be paid by the party making the deposit, shall not exceed twenty dollars for each mortgage, and the fees for an appraisal of property shall be five dollars to each appraiser, not exceeding two, besides expenses for each mortgage, nor shall it be lawful for any agent or agents, or other persons, to act for any company or companies referred to in this section, directly or indirectly, in taking risks or transacting the business of fire or inland navigation insurance in this state, without procuring from the state treasurer a certificate for the deposit so made, and from the secretary of state a certificate of authority, stating that such company has complied with all the provisions of this act which apply to such companies, and the name of the attorney appointed to act for such company. The statements and evidence of investments and deposits required by this section shall be renewed from year to year, in manner and form as may be required by the secretary of state, with an additional statement of the amount of premiums received and losses incurred in the state during the preceding year, so long as such agency continues, and the secretary of state, on being satisfied that the capital, securities and investments remain secure, as hereinbefore provided, shall furnish a renewal of the certificate as aforesaid. Any violation of any of the provisions of this act, shall subject the party violating the same to a penalty of five hundred dollars for each violation, and of the additional sum of one hundred dollars for each month during which any such agent shall neglect to file affidavits, statements and certificates as are herein required. The term agent or agents used in this section shall include an acknowledged agent, surveyor, broker or any other person who shall receive any application or make any contract for insurance, or collect or receive any premium or deliver any policy, or in any manner assist or aid in the transaction of the business of any insurance company not incorporated

business of insurance, without further statement, until the thirty-first day of January, 1871. Any fire or fire and inland navigation insurance company chartered by this state, may have a lien, by passing a by-law to that effect, upon the stock or certificate of profits owned by any member for any debt hereafter to become due the said company for premiums, by stating that the said stock is subject to any such lien upon the certificates of stock or profits; and such lien may be waived in writing by the consent of the president of said company upon the transfer of any such stock.

When capital stock is impaired company may reduce amount.

SECTION 27. Whenever it shall appear to the secretary of state, from an examination made by him in the manner prescribed by law, that the capital stock of any joint stock company, organized pursuant to law, is impaired to an amount exceeding twenty-five per cent. of such capital, and he shall be of the opinion that the interests of the public will not be prejudiced by permitting such company to continue business with a reduced capital, it shall be lawful for such company, with the permission of the secretary of state, to reduce its capital stock and the par value of the shares thereof to such amount as the said secretary of state, under his hand and official seal, shall certify to be proper, and as shall, in his opinion, be justified by the assets and property of such company: *provided*, that no part of such assets and property shall be distributed to the stockholders; *and provided further*, that the capital stock of such company shall not be reduced to an amount less than the sum now required by law for the organization of a new company under this act, for the transaction of business at the place where such company is located, and of the kind which such company is authorized to transact. No reduction of the capital of any such company shall be made, except upon a resolution of its directors, approved by at least two-thirds of the directors, certified under its corporate seal, signed by the president and at least two-thirds of the directors, and proved or acknowledged in the manner required by law for the proof or acknowledgement of conveyances, which certificate shall be filed in the office of said secretary of state before any action shall be had by him thereon. The secretary of state in case he shall permit any such company to reduce its capital in the manner provided in this act, shall execute the

Reduction not to be made except upon resolution of directors.

certificate required by this act in duplicate, and deliver one of such certificates to the officers of such company, who shall forthwith file the same with the clerk of the circuit court of the county in which such company is located, and the other such certificate shall be filed in the office of said secretary of state. Such company, upon filing the certificate with the clerk of the circuit court as required by this act, shall with such reduced capital, possess the same rights and be subject to the same liabilities that it possessed or was subject to at the time of the reduction of its capital. And the charter of such company shall be deemed to be amended in respect to the amount of capital, and the par value of the shares so as to conform to such reduction. It shall be lawful for the said company to require the return of the original certificate of stock held by each stockholder, and in lieu thereof to issue new certificates for such number of shares as each stockholder may be entitled to in the proportion that the reduced capital may be found to bear to the original capital of the company. It shall be lawful for any such company, after its capital shall be so reduced as aforesaid, to increase its capital stock in the mode prescribed by this law. It shall be the duty of all receivers and trustees of insurance companies during the month of January in each year, and at any other time when required by the secretary of state, to make and file annual and other statements of their assets and liabilities and of their income and expenditures, in the same manner and form and under the same penalties, as the officers of such companies are now required by law to make annual and other statements to the secretary of state's office. Every fire or fire and inland navigation insurance company, doing business in this state shall cause its annual statement by this act required to be filed, to be published in the official state paper for two weeks, and in one daily paper of general circulation, published in the city of Milwaukee.

When capital reduced, charter to be deemed amended.

Receivers and trustees to make annual statements.

Fire companies to publish annual statement.

SECTION 28. It shall not be lawful for any agent or agents to act for any insurance company or companies, directly or indirectly, in taking risks or transacting business of insurance in this state, without procuring from the secretary of state a certificate of authority, setting forth that such company has complied with all the conditions of this act. Agents appointed by any

Agents must procure certificate of authority from secretary of state.

company doing business in this state, shall be held personally responsible to such company for all moneys received by them for such company, and in case any such agent shall embezzle, or fraudulently convert to his own use any money belonging to such company which may have come into his possession or be under his care by virtue of his agency, shall be deemed by so doing to have committed the crime of larceny, and on conviction, shall be subject to the fines and penalties provided by the statute in such cases.

Agents of foreign companies to pay same increase of tax, etc., as required of Wisconsin companies in their states.

SECTION 29. Whenever the existing or future laws of any other state of the United States shall require of insurance companies, incorporated by or organized under the laws of this state, having agencies in such other states, or of the agents thereof, any deposit of securities in such state for the protection of policy holders or otherwise, or any payment of taxes, fines, penalties, certificates of authority, license fees or otherwise, greater than the amounts required for such purposes from similar companies of other states by then existing laws of this state, then, and in every such case all companies of such states having or establishing an agency or agencies in this state, shall be and are hereby required to make the same deposit with, pay the same taxes, fines, penalties and fees, for like purposes unto the secretary of state, imposed upon or required by the laws of such state of the companies of this state or agents thereof.

How expense of examination to be paid.

SECTION 30. The necessary expenditure of any examination made or ordered to be made by the secretary of state under this act shall be certified to by him and paid on his requisition by the company which is the subject of such examination: *provided*, such examination be not required of such companies organized outside of this state in states where under the laws thereof they are similarly supervised by and under the proper officer, as in such laws provided, and such officer shall furnish, whenever required to do so by the secretary of state, a certificate and statement exhibiting the solvency of such company.

Fees.

SECTION 31. There shall be paid by every company, association, person or persons or agent, to whom this act shall apply, the following fees: For filing the declaration or the certified copy of charter herein required, the sum of twenty-five dollars; for filing the annual

statement required, ten dollars; for each certificate of authority to agents of all companies doing business within this state, one dollar; for every copy of paper filed in his office, fifteen cents per folio, and for affixing the seal of said office and certifying to the same, fifty cents. In case two or more companies shall combine to effect insurance under a joint policy or policies, each and every company thus combining shall pay the fees provided herein, the same as if each and every one wrote separate policy or policies.

Secretary of state to establish department of insurance in his office.

SECTION 32. It shall be the duty of the secretary of state, for the purpose of carrying into effect a more thorough supervision and examination of the affairs of all insurance companies doing business in this state, and enabling the secretary of state to exercise control over the same, as may be required by law, to establish in his office, a department to be called the department of insurance, and to employ such clerical and other assistance as he shall deem necessary, and at such expense as he shall determine, to maintain and keep such department, and to enable him to take charge of and conduct, or cause to be conducted, all examinations of the business and affairs of such insurance companies that are or may be required by law, and generelly to exercise such supervision and control over insurance companies doing business in this state as the law may require: *provided*, that the whole amount of the expenses of such department in any year shall not exceed the amount of fees paid by insurance companies during that year; *and provided*, that such expenses, in no one year shall exceed the sum of five thousand dollars; *and provided*, that the amount of all fees over and above five thousand dollars, paid by insurance companies under section 31 of this act, shall be paid over by the secretary of state to the state treasurer and go to the general fund; and for all such purposes, and to that extent, the secretary of state shall be called and held to be the commissioner of insurance.

Limitation of expenses thereof.

What annual statement shall include.

SECTION 33. It shall be the duty of every company transacting the business of insurance under this act, to include in its annual statement, a statement showing the amount received in this state, during the year for which such statement is made, in cash for premiums, in premium notes, in cash notes, and the amount received from other sources; and showing also the

amount paid in this state for salaries, commissions to agents, and for losses during the same period. And such such company, before receiving a license to transact business for the current year, shall pay to the state treasurer a sum equal to two per centum of the gross cash receipts of such company in this state, including cash notes taken for premiums, during the year for which such statement is made: *provided*, all companies chartered or organized under the laws of this state may be allowed to deduct from such gross receipts, their office expenditures and officers' salaries; *and provided, further*, that when application for license is made by any company not organized under the laws of this state, and that shall not have transacted business within the state within one year prior to such application, the sum of five hundred dollars shall be paid by such company as a license for the first year; such sum to be computed by or under the direction of the secretary of state. And in order to ascertain the truth of such statements, the secretary of state may require such additional evidence as he shall deem necessary. The amount paid by the several insurance companies, as provided above, shall be in lieu of all state, county and municipal taxes and licenses, excepting taxes on real estate owned by any insurance company and exempt as provided in this act: *provided*, that this act shall not be construed to prohibit cities and incorporated villages, having an organized fire department, from collecting the two per cent. now allowed by law on the receipts of each insurance company within their respective limits, to be applied to the support of the fire department of such cities and villages.

Fees for license

Two per cent. of premiums to be paid for use of fire department.

SECTION 84. There shall be paid to the treasurer of the fire department of any incorporated city or village in this state, in which there may be a regularly organized fire department, for the use and benefit of said fire department, on the first day of February in each year by every person who shall act in said city or village as agent for or in behalf of any individual or association, or association of individuals, whether incorporated by the laws of this state or by the laws of any other state, territory or country, to effect insurance against losses or injury by fire, the sum of two dollars upon the hundred dollars, and at that rate upon the amount of all premiums, which, during the year or part of a year end-

ing on the next preceding first day of January, shall have been received by such agent or person, or received by any other person or persons for him, or shall have been agreed to be paid for any insurance effected or agreed to be effected, or promised by him as such agent or otherwise against loss or injury by fire, in any such city or village. No person shall in any such city or village, as agent or otherwise for any individual, individuals or association, effect or agree to effect any insurance upon which the duty above mentioned is required to be paid, or as agent or otherwise procure such insurance to be effected, until he shall have executed and delivered to the said treasurer a bond to the fire department of any such city or village, in the penal sum of one thousand dollars, with such sureties as the said treasurer shall approve, with a condition that he will annually render to the said treasurer, on the first day of February in each year, a just and true account, verified by his oath that the same is just and true, of all premiums which, during the year ending on the first day of January preceding such report, shall have been received by him, or any other person for him, or agreed to be paid for any insurance against loss or injury by fire in any such city or village, which shall have been effected or promised by him, or agreed to be effected or promised by him to be effected, from any individual or individuals, or association, incorporated as provided in the first section of this act, and that he will annually, on the first day of February in each year, pay to the said treasurer two dollars upon every hundred, and at that rate upon the amount of such premiums. Every person who shall effect, agree to effect, promise or procure any insurance specified in the preceding sections of this chapter, without having executed and delivered the bond required by the preceding section, shall for each offense forfeit one hundred dollars for the use of said fire department; such penalty of one hundred dollars shall be collected in the name of the fire department of any such city or village.

Agents shall execute bonds to fire department.

Penalty for failure thereof.

SECTION 35. Every person who, at any time hereafter, as agent or otherwise for any individual or individuals or association, may, in the city of Milwaukee, effect or agree to effect any insurance specified in the preceding sections of this chapter, shall on the first day of February in each year, or within ten

Agents in Milwaukee shall report change of place of business.

days thereafter, and as often in each year as he shall alter or change his place of doing business in said city, report in writing under his proper signature, to the treasurer of the fire department in the city of Milwaukee, the street and number thereof in the said city, of his place of doing business as such agent or otherwise, designating in such report the individual or individuals and association or associations for which he may be such agent or otherwise; and in case of default in any of these particulars, such person shall forfeit for every offense the sum of one hundred dollars, to be recovered and collected in the name of this state, for the use of the fire department in the city of Milwaukee.

If fire department have no treasurer, provisions of this act shall apply to village or city treasurer.

SECTION 36. In case the fire department of any such city or village shall have no such officer as treasurer, the provisions of this act, so far they are applicable to him, shall apply to the treasurer of such city or village, and the treasurer of such city or village shall, under the direction of the proper authorities thereof, pay over all moneys received or recovered by him under the provisions of this act, to the fire department of such city or village.

Where judgments against companies remain unpaid, new policies shall not be issued.

SECTION 37. It shall be unlawful for any insurance company against which a final judgment has heretofore been recovered or shall hereafter be recovered, in any court of competent jurisdiction in this state, after sixty days from the rendition of such judgment, and while the same remains unpaid, to issue any new policy of insurance; and in case any insurance company, by its officers or agent or agents shall violate the provisions of this section, such insurance company shall forfeit the sum of one thousand dollars, which may be recovered in the name of the state of Wisconsin, in an action of debt, and when collected shall be paid over to the common school fund; and any agent of such company who shall knowingly violate the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine, not exceeding five hundred dollars nor less than one hundred dollars, or by imprisonment in the county jail of the proper county, for a term not more than three months nor less than thirty days.

Repealed.

SECTION 38. Chapters 65 and 72 of the revised statutes, chapter 105 of the general laws of 1859, chap-

ter 158 of the general laws of 1867, chapter 179 of the of the general laws of 1867, chapter 93 of the general laws of 1869, be and the same are hereby repealed.

SECTION 99. This act shall take effect and be in force from and after its passage.

Approved March 14, 1870.

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## CHAPTER 57.

[*Published March* 19, 1870.]

**AN ACT to perpetuate the memory of the late Governor Henry Dodge, and to encourage art.**

**Preamble.**

WHEREAS, It has ever been an honored custom of all civilized and enlightened governments to perpetuate the memory of their eminent statesmen, generals and philanthropists, by means of paintings and statuary, as well as through the annals of history; and

WHEREAS, The state of Wisconsin has reason to be proud of the great ability, the sterling integrity and the eminent services of the late Governor Henry Dodge, and is called upon to recognize these qualities and services in some permanent and enduring way, that shall be creditable and honorable to the state; and

WHEREAS, We believe Mr. E. P. Knowles to possess genius and talent as a sculptor of the highest order, and that he is capable of executing a statue that shall reflect credit both upon himself as an artist and upon the state of which he is a citizen; therefore,

*The people of the state of Wisconsin, [represented] in senate and assembly, do enact as follows:*

**E. P. Knowles to execute bust of Gov. Dodge.**

SECTION 1. That E. P. Knowles be employed to execute a marble bust of the late Governor Henry Dodge, to be placed in some fit and conspicuous place within the state capitol, said bust to be executed of the finest marble, and not to exceed in cost the sum of two thousand dollars, one-fourth of which sum shall be

payable when the plaster model of said bust is completed, and the remainder when the said bust shall be fully executed and delivered, the supervision of the work and the placing of said bust, to be vested in the governor, the secretary of state and chief justice of the supreme court of the state of Wisconsin, upon whose certificate, at the time above mentioned, the said sum above named shall be paid out of the general fund in the state treasury, on the warrant of the secretary of state.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 14, 1870.

## CHAPTER 58.

[Published March 19, 1870.]

AN ACT to provide stationery and postage stamps for officers and employes of the senate and assembly.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Shall furnish stationery.

SECTION 1. The superintendent of public property is hereby directed to furnish to the several officers, clerks and employes, and also to the clerks of the several committees of the senate and assembly, each, stationery to the amount of fifteen dollars, and postage stamps to the amount of five dollars; and to the messengers of the senate and assembly, each, stationery to the amount of five dollars

Appropriation.

SECTION 2. There is hereby annually appropriated out of any money in the state treasury, not otherwise appropriated, a sum sufficient to carry this act into effect.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 15, 1870.

# CHAPTER 59.

[Published March 22, 1870.]

AN ACT to regulate the business of life insurance.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Capital and investment required.

SECTION 1. Before any life or accident insurance company shall do business in this state, it shall have a guarantee capital of at least one hundred thousand dollars paid in money, invested as hereinafter provided, or actual assets to the like amount invested in stocks of the United States or of this state, estimated at their market value, or in such other stocks and securities as may be approved by the secretary of state, or in mortgages being first liens on real estate, the said real estate being worth at least twice the amount of money loaned thereon, with abstract showing a good and sufficient title, and the certificate of two reputable land holders, under oath, certifying to the value of said property.

Examination by secretary of state.

SECTION 2. No policy shall be issued until a certificate from the secretary of state has been obtained, authorizing such company to issue such policies. The secretary of state or some person or persons authorized by him, shall examine the capital and assets of any company applying for such certificate; and the secretary of state shall issue the same only when satisfied that the company applying therefor has complied with the provisions of the first section of this act. Every insurance company incorporated in this state, shall pay to the secretary of state for the examination required by this section, when made, the sum of thirty dollars.

Conditions as to agents.

SECTION 3. It shall not be lawful for any person to act within this state, as agent or otherwise, in receiving or procuring applications for life insurance, or in any manner to aid in transacting the business of life insurance, referred to in the first section of this act, for any company or association incorporated by or organized under the laws of any other state government, unless such company has conformed in such state, or in this state, to the same requirements in regard to capital that are

imposed by section one of this act, upon companies doing business in this state, or in lieu thereof, has actual assets to the amount of at least one hundred thousand dollars invested in the same manner as is prescribed in regard to capital, in section one of this act.

Home companies shall transmit statements.

SECTION 4. Every life or accident insurance company incorporated in this state, or doing business in this state, shall on or before the first day of March in each year, transmit to the secretary of state and file in his office, a statement of the business, standing and affairs, in the form prescribed or authorized by law, and adapted to the business done by such company, signed and sworn to by the president or vice president and secretary, and made out for the year ending on the preceding thirty-first day of December.

Foreign companies shall make annual statement.

SECTION 5. All life or accident insurance companies chartered or organized in any other state of the United States, or beyond the limits of the United States, and doing business in this state, shall make an annual statement of their condition and affairs to the secretary of state, in the same manner and in the same form as similar companies organized under the laws of this state. The secretary of state shall have authority to extend the time for filing such statement, for reasons which he shall deem good and sufficient, whether the company is organized in this state or elsewhere. The statements herein provided for shall be in lieu of any and all statements now required by any existing law.

When companies beyond limit of United States to make return.

SECTION 6. Life or accident insurance companies, chartered beyond the limits of the United States, and doing business in this state, shall make a return of their standing on the thirty-first day of December in each year, agreeable to the form required by this act of other companies doing a similar business in this state, said return to be made to the secretary of state, on or before the first day of March, annually, and verified and sworn to by the president, secretary or resident managing officer of such company in the United States.

Form of statements.

SECTION 7. The form for life or accident insurance companies shall be as follows:

1st. Name of the company.

2d. When chartered.

3d. For what period.

4th. Where located.

5th. State in full the assets of the company.

6th. Number of shares owned in any bank; state par value, cost and the market value per share.

7th. Number of shares owned in any railroad; stating the corporate name of each, and money invested in each, at cost, on its books; state the par value and market value of each share.

8th. Amount owned in railroad bonds; state par value, cost and market value per share.

9th. Amount invested in real estate at cost, on the books of the company.

10th. Amount loaned on mortgages of real estate, and estimated value of said real estate.

11th. Amount loaned on notes secured by collaterals of personal property.

12th. Amount loaned on notes without collaterals.

13th. State in full all other investments.

14th. How much, included in the foregoing statement of assets, consists of premium notes on policies not returned as now in force.

15th. Number, date, kind and amount of each outstanding policy, and age of the insured; excepting in case of companies whose policies have been valued by the proper officer in some other state, which valuation shall be shown by certificate from the insurance department of such state.

16th. Number and amount of each class or kind of policies which have, within the year, ceased to be in force; how terminated; what has been paid to the legal holders of the policies.

17th. Amount of losses ascertained and unpaid.

18th. Amount of losses claimed against the company, whether acknowledged as due or not by the company.

19th. Amount due from the company on its declared, promised or acknowledged indebtedness or other claims, including dividends, bonuses on distribution of surplus, or as profits.

20th. Amount received for premiums the past year.

21st. Amount received for premiums in cash.

22d. Amount received for premiums in promissory notes or securities.

23d. Amount received for interest the past year.

24th. Amount paid for interst the past year.

25th. Amount of guarantee funds, and state particularly whether the same are in cash or subscription notes.

26th. How are dividends, distributions of surplus funds, bonuses or estimated profits, paid? Whether in cash, scrip or otherwise, on credit, and whether on demand; or if on credit, for what length of time, and whether payable at a specific time or indefinitely, at the discretion of the company.

27th. Amount paid for expenses, taxes and commissions the past year, classified.

28th. Amount of dividends paid, specifying the amount paid to stockholders and the amount paid to policy holders.

Secretary of state to revise statement and propose additional inquiries.

SECTION 8. The secretary of state is hereby authorized to amend and revise the forms of annual statements hereinbefore prescribed, and to propose such additional inquiries as are necessary to elicit a full exhibit of the business and standing of the various insurance companies doing business in this state.

Penalty for neglecting to make statement or making false one.

SECTION 9. Any company doing business in this state, neglecting to make returns in the manner and within the time herein before authorized and prescribed shall forfeit one hundred dollars for each day's neglect; and every company that wilfully makes false statements, shall be liable to a fine of not less than five hundred dollars, nor more than one thousand dollars. Any new business done by any company or its agents in this state, that has neglected to make true returns in the prescribed form, shall be deemed to be done in violation of law.

When net value of funds not equal to net value of policies issued, secretary of state to notify company.

SECTION 10. When the actual funds of any life insurance company doing business in this state, are not of a net value equal to the net value of its policies, according to the American experience table of mortality, with interest at four and one-half per cent. per annum, it shall be the duty of the secretary of state to give notice to such company and its agents, to discontinue issuing new policies within this state, until such time as its funds have become equal to its liabilities, valuing its policies as aforesaid. Any officer or agent who, after such notice has been given, issues or delivers a new policy from and on behalf of such company, before its funds have become equal to its liabilities as

aforesaid, shall forfeit for each offence, a sum not exceeding one thousand dollars.

May invest funds in stocks.

SECTION 11. It shall be lawful for any company organized in this state to invest its funds or accumulations in the stocks of the United States or of this state, or of any incorporated city or town in this state, or in mortgages (being first liens) on real estate, being worth at least twice the amount of the money loaned thereon, and any company may loan to policy holders in such company, from time to time, sums not exceeding one-half the annual premiums on their policies, upon notes to be secured by the policy of the person to whom the loans may be made.

Home companies doing business in other states may invest in such states.

SECTION 12. When any life or accident insurance company, organized under the laws of this state, shall transact business in any other state, it may invest its surplus funds in such state, in like security, and under the same restrictions as in this state.

Secretary of state may address inquiries to companies.

SECTION 13. The secretary of state is hereby authorized and empowered to address any inquiries to any life or accident insurance company, or to the secretary thereof, in relation to its doings or conditions, or any other matter connected with its transactions, and it shall be the duty of any such company so addressed, to reply promptly in writing to any such inquiries; and all such companies, not incorporated under the laws of this state, failing to answer all such inquiries, shall not be authorized to transact any business in this state, and their certificates of authority may be revoked and cancelled. It shall be the duty of the secretary of state to make or cause to be made, an examination of the condition and affairs of any life or accident insurance company doing business in this state, whenever he shall deem it expedient to do so, and also whenever he shall have good reason to suspect the correctness of any annual statement, or that the affairs of any company, making such statements, are in an unsound condition.

Distribution of surplus funds.

SECTION 14. Life or accident insurance companies doing business in this state, which do business upon the principal of mutual insurance, or the members of which are entitled to share in the surplus funds thereof, may make distribution of such surplus as they may have accumulated, annually or once in two, three, four or five years, as the directors thereof may from time to time determine. In determining the amount of the surplus

to be distributed, there shall be reserved an amount not less than the aggregate net value of all the outstanding policies; said value to be computed by the American experience table of mortality, with interest not exceeding four and one-half per cent.

Appointment of attorney.

SECTION 15. Every life or accident insurance company not organized in this state, before doing business in this state, shall appoint an attorney, resident in this state, upon whom all lawful processes against the company may be served with like effect as if the company existed in this state; and said power of attorney shall stipulate and agree, on the part of the company making the same, that any lawful process against said company, which is served on said attorney, shall be of the same legal force and validity as if served on said company. A copy of said power of attorney, duly certified and authenticated, shall be filed in the office of of the secretary of state, and copies certified by him shall be sufficient evidence. This agency shall be continued while any liability remains outstanding against the company in this state, and the power shall not be revoked until the same power is given to another, and a like copy filed as aforesaid. Service upon said attorney shall be deemed sufficient service upon the company.

State treasurer to receive deposits.

SECTION 16. The treasurer of the state, in his official capacity, shall take and hold on deposit, the securities of any life insurance company incorporated under the laws of this state, which are deposited by any such company for the purpose of securing policy holders and complying with the law of any state, in order to enable such company to transact business in such state. The companies depositing such securities shall have the right to receive the income thereof, and at any time to exchange the same, according to the laws of the state in which they may be doing business.

Valuation of policies.

SECTION 17. If any life insurance company organized in this state, or in any other state of the United States, or in any foreign country, whose policies are not valued by the insurance department or proper officers of any other state, shall transact business in this state, it shall be the duty of the secretary of state to calculate the existing value of all outstanding policies of such company; and every such company shall pay, annually, to the secretary of state, by way of compen-

sation, one cent on every thousand dollars for the valuation of its policies issued by it on lives. A certified copy of the valuations of the policies of any company organized in this state or any other state, made by the insurance department or other proper officers of the states of Massachusetts or New York, filed in the office of the secretary of state shall be a compliance with this section.

Not to issue policies.

SECTION 18. No life insurance company organized under the laws of this state shall issue policies insuring fire, or marine, or accident, or live stock risks, nor do any banking business.

Rights of married women.

SECTION 19. It shall be lawful for any married woman, by herself and in her own name, or in the name of any third person, with his assent as her trustee, to cause to be insured for her sole use, the life of her husband, son or other person for any definite period, or for the term of the natural life of such person; and it shall be lawful for any person effecting or causing to be procured or effected any policy of insurance of the life of any person, to assign, transfer or cause the same to be made payable to any married woman or to any person in trust, for her or her benefit, whether the person effecting or procuring such insurance or making such assignment or transfer be the husband of such married woman or not, and such policy of insurance, when expressed to be for the benefit of or assigned, transferred or made payable to any married woman, shall inure to her separate use and benefit and that of her children, and in case of her surviving such period or term, the sum or net amount of the insurance becoming due and payable by the terms of the insurance, shall be payable to her, to and for her own use and benefit, free from the claims of her husband, his representatives or creditors, and free from the claims of the person effecting, assigning or transferring such insurance, his representatives or creditors: *provided, however*, that if the premium on such policy is paid by any person with the intent to defraud his creditors, an amount equal to the premium so paid, with the interest thereon, shall inure to the benefit of said creditors, subject, however, to the statute of limitations. The amount of the insurance may be made payable, in case of the death of the wife, before the period at which it becomes due, to his, her

who shall knowingly violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding five hundred dollars, nor less than one hundred dollars, or by imprisonment in the county jail of the proper county for a term not more three months nor less than thirty days; *and provided*, that the Provident Life Insurance Company of Chicago, state of Illinois, and the Eagle Insurance Company of Chicago, state of Illinois, shall not be permitted to issue any policy of insurance in this state, and shall not have any right or privileges whatever under or by virtue of this act.

Companies prohibited.

Must obtain license before transacting business.

SECTION 27. No life or life and accident insurance company shall transact business in this state without first having obtained a license therefor from the secretary of state, which license when issued shall authorize the insurance company named therein and the agents thereof, to transact business in this state until the last day of February following the date thereof. No such license shall be issued by the secretary of state to any life, or life and accidental insurance company until such company shall have filed in the office of the secretary of state, the reports and statements in this act required, and shall have paid to the state treasurer in addition to the fees in this act prescribed, an annual license fee of three hundred dollars, and all life and life and accident companies organized in this state under special charters granted for that purpose, or under general laws, shall pay into the state treasury one per cent. on the cash receipts for premiums received by such company in the state of Wisconsin for the year preceding the making of the annual report as hereinbefore provided, which sum shall be paid to the state treasurer at the time such report is filed with the secretary, for which sum so paid the state treasurer shall execute duplicate receipts. The payment of the sum provided in this section, shall be in lieu of all taxes for any purpose authorized by the laws of this state, excepting taxes upon such real estate as may be owned by such company: *provided*, that nothing in this act shall be construed to relieve any company from the payment of any license fees or taxes now due under existing laws upon business transacted prior to January first, 1870.

SECTION 28. Chapters one hundred and fifty-eight and one hundred and seventy-nine of the general laws of 1867, and sections one and two of chapter one hundred and eighty-two of the general laws of 1862, so far as they relate to life insurance companies, or the business of life insurance, are hereby repealed. Repealed.

SECTION 29. This act shall take effect and be in force from and after its passage.

Approved March 14, 1870.

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## CHAPTER 60.

[*Published March* 19, 1870.]

**AN ACT to amend chapter 182 of the general laws of 1865, in relation to public printing.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section five (5) of chapter one hundred and eighty-two (182) of the general laws of 1865, entitled "an act to amend section fourteen (14) of chapter three hundred and fifteen (315) of the general laws of 1860, entitled 'an act to provide for letting the public printing by contract, and to establish maximum prices for the execution thereof, and to provide for re-letting the same in certain cases,'" is hereby amended so as to read as follows: Section 5. The following prices for printing and binding, and furnishing paper to be used in the public printing, are hereby established as maximum prices for doing the work and furnishing materials for the public printing and binding of this state: Amended. Maximum prices.

Schedule.

| COMPOSITION, PER 1,000 EMS. | |
|---|---|
| Plain | $0 60 |
| Figure work | 90 |
| Rule and figure work | 1 20 |
| **PRESS WORK.** | |
| Per token | 60 |

PAPER, PER QUIRE.

| | |
|---|---|
| Book, 24 by 36 inches, weight not less than 50 pounds per ream | 1 00 |
| Print, for pamphlet work and daily slips, 24 by 36 inches, weight not less than 35 pounds per ream | 60 |
| For bill work, cap size | 40 |
| Calendars [calendered] book paper, weight not less than 50 pounds per ream | 1 50 |

FOLDING.

| | |
|---|---|
| Per 100 sections of eight pages | 12 |

STITCHING, TRIMMING AND COVERING PAMPHLETS.

| | |
|---|---|
| Per 100 copies | 1 25 |

BINDING, PER VOLUME.

| | |
|---|---|
| In paste-board, 16mo or 12mo | 50 |
| In cloth, 16mo or 12mo | 60 |
| In sheepskin, 16mo or 12mo | 1 00 |
| In calfskin, 16mo or 12mo | 1 50 |
| Flat cap or cap, half binding, sheep back | 2 00 |
| Medium size, full sheep | 14 00 |
| Medium size, half binding | 8 00 |
| Medium size, Russia ends and bands | 15 00 |
| Medium size, extra Russia ends and bands | 16 00 |
| Medium, full Russia | 18 00 |

BLANK BOOKS, PER QUIRE, INCLUDING RULING AND PRINTING.

| | |
|---|---|
| Cap, half binding, sheep back | 1 25 |
| Cap, full sheep | 1 50 |
| Cap, Russia ends and bands | 2 00 |
| Flat cap, half binding, sheep back | 1 50 |
| Flat cap, full sheep | 1 75 |
| Flat cap, Russia ends and bands | 2 25 |
| Folio post, half binding, sheep back | 1 75 |
| Folio post, Russia ends and bands | 2 50 |
| Medium, half binding, sheep back | 3 00 |
| Medium, Russia ends and bands | 4 00 |
| Medium, extra Russia ends and bands | 4 50 |
| Medium, full Russia | 5 25 |
| Super royal, full Russia | 12 00 |
| Paging, extra, per volume | 1 00 |
| Indexing per quire, extra | 25 |

BLANKS, PER QUIRE.

| | |
|---|---|
| Note, letter or cap | 1 25 |
| Flat cap | 1 50 |
| Folio post | 2 00 |
| Medium | 3 00 |
| Bond paper | 4 00 |
| Ruling, extra | 10 |
| Stitching and covering, extra, per one hundred copies | 1 25 |
| Indexing extra, per copy | 25 |
| Printing envelopes, labels, &c., in quantities less than 1,000, per hundred | 75 |
| Over 1,000, per hundred | 50 |

All blanks as above, requiring both sides to be printed, shall be paid [for] by adding to the price bid by the contractor for printing one side, 60 per cent. A token is 240 impressions upon one side of 240 distinct sheets of paper, or 240 impressions on both sides of 120 sheets: *provided*, that the public printer in executing the printing of any pamphlet, book or daily slip of less than 32 and more than 16 standard pages, shall be allowed for the same as for a full sheet. If less than 16 such pages, they or it shall be counted as half sheets, for the purposes of estimating paper. And to every book, pamphlet or daily slip of more than 32 such pages, the same rule shall apply to the remainder left, by dividing the number of pages in the work by 32. All orders for printing in the English language (other than that required by general statute to be done each year) for the use of any department whatsoever, or for any purpose whatsoever, shall be made through the secretary of state; and the secretary of state shall audit the bill for the same, only upon the receipt of the officer or person for whom the same is ordered, certifying that the work has been received and counted, and found to correspond with the original order for the work. Additions and definitions.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 15, 1870.

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## CHAPTER 61.

[*Published March 19, 1870.*]

AN ACT relating to the crime of larceny.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Every person who shall wrongfully take or carry away with intent to convert to his own use any railway passenger ticket or tickets belonging to any other person or to any corporation, shall upon conviction thereof be deemed guilty of larceny and re- Penalty for the larceny of railroad tickets.

ceive the same punishment as is provided by sections 16, 17 and 18 of chapter 165 of the revised statutes of this state for larcenies of other property of the same value, and the value of such tickets shall be taken and deemed to be the price authorized to be charged for the same upon the sale thereof to passengers.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1870.

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## CHAPTER 62.

[*Published March 19, 1870.*]

AN ACT to encourage the manufacture of beet sugar in this state.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Exemption of beet sugar manufactories.

SECTION 1. For the term of ten years next after the passage of this act, all the machinery, buildings, real estate and all other property owned by any individual or individuals, corporation or corporations, organized under any law of this state, and used exclusively in the business of manufacturing beet sugar, is hereby exempted from taxation for any purpose whatsoever: *provided*, that this exemption from taxation shall not apply to lands upon which beets are raised for the purpose of manufacture.

Stock exempt.

SECTION 2. The stock of any incorporated company engaged exclusively in the manufacture of beet sugar in this state, held and owned by any individual or individuals, shall be exempt from taxation for any purpose, for the time specified in the first section of this act.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 15, 1870.

## CHAPTER 63.

[*Published March* 19, 1870.]

**AN ACT to amend section 1 of chapter 64 of the general laws of 1859, entitled "an act to amend chapter 134, of the general laws of 1858, entitled 'an act concerning testimony.'"**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of chapter 64 of the general laws of 1859, entitled "an act to amend chapter 134 of the general laws of 1858, entitled 'an act concerning testimony,'" is hereby amended so as to read as follows: In all actions wherein any corporation shall be a party, the adverse party may be examined as a witness in his or her own behalf, upon the trial of the same, without notice, as in other actions. Amended.

SECTION 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved March 15, 1870.

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## CHAPTER 64.

[*Published March* 19, 1870.]

**AN ACT to repeal chapter sixty-two of the general laws of 1869, entitled "an act to increase the number of county supervisors in the county of Green, and to provide for their election."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Chapter sixty-two of the general laws of 1869, entitled "an act to increase the number of county supervisors in the county of Green, and to provide for their election," is hereby repealed. Repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 15, 1870.

## CHAPTER 65.

[*Published March* 21, 1870.]

AN ACT to amend chapter 6 of the revised statutes, entitled "of printing and publication."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section thirty-eight (38) of chapter six (6) of the revised statutes, entitled, "of the public printing," is hereby amended by adding to said section the following clause: "5. No law or document shall be distributed except as provided in this chapter or in the acts amendatory thereof; but the secretary of state is hereby authorized to sell to any person being a citizen of this state, a copy of each publication provided for in this chapter, at such price to be computed by the secretary of state as shall be equal to the cost of the same to the state. And it shall be the duty of the secretary of state to keep an accurate account of each and every sale, and to pay the amount realized from such sales, quarterly, into the state treasury; and he shall include in his annual report a statement showing the number of volumes sold, and the amount received therefor."

Secretary of state to sell laws and documents.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 15, 1870.

# CHAPTER 66.

[*Published March* 19, 1870.]

AN ACT to provide for the goverment and management of the State Reform School.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

What classes to be sent to reform school.

SECTION 1. The State Reform School at Waukesha shall be the place of confinement and instruction of all male children between the ages of eight and sixteen years, who shall be legally committed to the said State Reform School as vagrants, or on conviction of any criminal offense, or for incorrigible or vicious conduct, by any court having competent authority to make said commitment.

Managers may discharge children at their discretion.

SECTION 2. The managers of the State Reform School are hereby clothed with the sole authority to discharge any child or children from said Reform School, who have heretofore been or may hereafter be legally committed thereto; and such power shall rest solely with said board of managers, and with no other person or persons; but it shall be the duty of said board of managers, and they shall have power to return any child to the court, justice or other authorities ordering or directing said child to be committed, when in the judgment of said managers they may deem said child an improper subject for their care and management, or who shall be found incorrigible, or whose continuance in the school they may deem prejudicial to the management and discipline thereof, or who in their judgment ought to be removed from the school for any cause; and in such case said court, police justice or other authority shall have power, and are hereby required, to proceed as they might have done, had they not ordered the commitment to such school.

Counties to be charged for care and maintenance.

SECTION 3. The superintendent of the State Reform School shall charge to each of the several counties in this state, in a book provided by him for that purpose, the sum of one dollar ($1.00) per week, for the care and maintenance of each person remaining in said State Reform School, who was committed thereto as a

vagrant, or by reason of incorrigible or vicious conduct, or who may thereafter be received into said State Reform School, committed for vagrancy or incorrigible or vicious conduct, from each of such counties respectively: *provided*, that the costs of the original commitment of all persons to said State Reform School, shall be chargeable to the county from which the person committed to said school is sent; *and provided, further*, that it shall be the duty of the superintendent of said State Reform School to procure the arrest and return of any person escaping therefrom; and it shall also be the duty of any justice of the peace, marshal or constable, upon information of such escape, to arrest and return any such fugitive, as above mentioned.

Superintendent to keep account

SECTION 4. The superintendent of the State Reform School shall keep an accurate account of the amount due from each county for the support of persons therefrom, and shall annually, on or before the tenth day of October in each year, report to the secretary of state the amount which may then be due from each county for the year ending on the first day of October preceding, which report shall state the name of each person for whom such account is rendered, the number of weeks which such person has been in said school during said year, and the amount charged for each of said persons respectively; and such report shall be verified by the oath of said superintendent as to its correctness. The secretary of state shall add the amount due from any county in this state for the support of such persons to the state tax apportioned to said county, and such amount shall be collected and paid into the state treasury for the use of the State Reform School.

Board of managers—their appointment and classification.

SECTION 5. The board of managers shall consist of five members, who shall be appointed by the governor and hold their offices for three years; said board to be divided into three classes, and so divided that the term of one class shall expire each year, on the first Tuesday of March, and shall receive for their compensation two dollars and fifty cents ($2 50) per day for every day actually employed, and ten cents (.10) per mile for every mile actually traveled, and shall verify their account by their oath or affirmation.

They may make rules and regulations.

SECTION 6. Such managers shall have the power to make rules, regulations, ordinances and by-laws for

the government, discipline and management of the State Reform School, and the inmates thereof, as to them may seem just and proper: *provided*, that such rules and by-laws shall be in accordance with the constitution of this state and the constitution of the United States; and they shall have the power to place the children committed to their care, during the minority of said children, at such employments, and cause them to be instructed in such branches of useful knowledge as shall be suited to their years and capacities; and they shall have power in their discretion to bind out said children, with their consent or the consent of their parents or guardians, if they have any, as apprentices or servants during their minority, to such persons and at such places, to learn such proper trades and employments, as in their judgments will be most for their reformation and amendment, and the future benefit of such children: *provided*, that the religious opinions of the inmates shall not be interfered with.

Shall appoint a superintendent and report to governor.

SECTION 7. The said managers shall appoint a superintendent of said State Reform School, and such officers as they may deem necessary for the interest of the institution, with a view to the accomplishment of the object of its establishment and economy of its management; and the said managers shall make out a detailed report to the governor of the performance of their duty, on or before the tenth day of October in each year, which report shall contain a statement of the number of persons in the school at the commencement of the year, the number received during the year, and in the institution at the commencement of the year, together with all such facts and statements as they may deem necessary to communicate; which report shall be laid before the legislature by the governor.

Courts and magistrates may sentence convicts.

SECTION 8. The courts and several magistrates in any county in this state may in their discretion, sentence to the State Reform School any such male, who may be convicted before them as a vagrant, or of any petit larceny or misdemeanor; and the several courts may, in their discretion, send to said State Reform School any such male who may be convicted before them of any offense which, under the existing laws would be punishable by imprisonment in the state

prison: *provided*, in all cases the term of commitment shall not be less than to the age of twenty-one years.

Managers may restore person committed.

SECTION 9. The managers of the State Reform School shall have power, in their discretion, to restore any person duly committed to said school, to the care of his parents or guardian, before the expiration of their minority, if in their judgment, it would be most for the future benefit and advantage of such persons.

Further power of courts and magistrates.

SECTION 10. The courts and several magistrates in any county in the state, shall also have the power to commit to the State Reform School any male child, under the ages specified in section 1 of this act, upon complaints and due proof made to said court or magistrate by the parent or guardian of such child, that by reason of incorrigible or vicious conduct, such child is beyond the control and power of such parent or guardian, and that a due regard for the morals and future welfare of such child manifestly require that he should be committed to the guardianship of the managers of the State Reform School.

Managers to secure places for female convicts.

SECTION 11. The managers of the State Reform School are hereby authorized and directed to procure suitable places for the females under their charge, and in their discretion to dispose of them as, in their judgment, will be for their best interests and the interest of the state.

ppropriation.

SECTION 12. There is hereby appropriated out of any money in the general fund not otherwise appropriated, five thousand dollars to defray the expenses of the charges contemplated by this act, to supply deficiency caused by fire, and the support of the additional inmates received in said reform school, since last report.

SECTION 13. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved March 15, 1870.

## CHAPTER 67.

[*Published March* 19, 1870.]

AN ACT to amend section three of chapter one hundred and thirty eight of the general laws of 1861, entitled "an act to amend chapter 18 of the revised statutes, and chapter 22 of the general laws of 1859, entitled 'an act relating to the sale of lands for unpaid taxes, and the conveyance and redemption thereof.'"

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section three of chapter one hundred and thirty-eight of the general laws of 1861, entitled "an act to amend chapter 18 of the revised statutes and chapter 22 of the general laws of 1859, entitled 'an act relating to the sale of lands for unpaid taxes, and the conveyance and redemption thereof,'" is hereby amended by striking out of said section the following words: "to the holder of any erroneous or illegal tax certificate or," Amended.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1870.

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## CHAPTER 68.

[*Published March* 19, 1870.]

AN ACT to amend sections 26 and 28 of chapter twenty-two of the general laws of 1859, entitled "an act relating to the sale of lands for unpaid taxes, and the conveyance and redemption thereof."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section twenty-six of chapter [twenty-] two of the general laws of 1859, entitled "an act relative to the sale of land for unpaid taxes, and the conveyance Amended.

# CHAPTER 72.

[*Published March* 23, 1870.]

AN ACT to establish the rates of license for hawkers and peddlers, patent right dealers and public showmen, and to repeal chapter 177, laws of 1868, entitled "an act to revise and amend chapter 50 of the revised statutes, entitled 'of hawkers and peddlers.'"

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Must have license.

SECTION 1. No person shall be allowed to travel from place to place within this state for the purpose of carrying to sell or exposing to sale any goods, wares or merchandise, unless he shall have obtained a license as a hawker and peddler in the manner hereinafter provided.

Application for license.

SECTION 2. Every person desiring to obtain a license as a hawker and peddler shall apply to the secretary of state, through the treasury agent, and shall deliver to him his application in writing signed by such applicant or his authorized agent, and stating in what manner the applicant intends to travel and trade; whether on foot or with one or more horses or other beasts of burden.

Fees for license.

SECTION 3. Every such applicant before he shall be entitled to such a license shall pay into the state treasury the following duties: if he intends to travel on foot (including railroads or other public conveyance), the sum of fifteen dollars; if he intends to travel and carry his goods with a single horse or other beast carrying or drawing a burden, the sum of twenty dollars; if he intends to travel with any vehicle or carriage drawn with two horses or other animals, the sum of forty dollars, and if he intends to travel with more than two horses or other animals drawing any sort of carriage, the sum of fifty dollars.

License for sale of patent rights.

SECTION 4. No person shall be allowed to sell or expose for sale, any patent right, or territory for the sale, use or manufacture of patent rights or articles, unless he shall have obtained a license as a patent right dealer. And every such person before he shall be entitled to such license, shall make his application there-

for to the secretary of state, as required of hawkers and peddlers, stating the extent of his interest in the territory of the state, and shall pay into the state treasury the following duties: If he shall own or have any interest in or offer for sale the whole or any part of the state greater than one-half, the sum of twenty dollars; and if he shall own or have any interest in or offer for sale territory equal to one-half of the state or less, the sum of ten dollars.

For public shows.

SECTION 5. Every owner, manager or agent of any caravan, circus or menagerie, before he shall be allowed to exhibit the same in this state, shall procure a state license as a public showman, in the manner hereinbefore provided for hawkers and peddlers, and shall pay into the state treasury therefor, the sum of one hundred dollars.

Duty of secretary of state.

SECTION 6. It shall be the duty of the secretary of state, upon the payment of his fees, to grant to every such applicant upon the delivery of the notice above required, and the receipts of the state treasurer showing the payments of the proper duties into the state treasury, a license under his seal of office, and signed by himself or his assistant, authorizing such applicant to travel and prosecute business in the manner stated in the application, for the term of one year from the date of the license: *provided, however*, that all licenses for peddlers and patent right dealers shall expire on the thirtieth day of April in each year, and the amount due for such license shall be reckoned proportionately, for that part of the year from the first day of the month in which the liability is incurred to the first day of May following.

Penalty for selling without license.

SECTION 7. Every person who shall be found traveling and trading or selling or offering to sell any patent right or territory for the sale, use or manufacture of patent rights or articles within this state, contrary to the provisions of this chapter, or contrary to the terms of any license that may have been granted to him as a hawker and peddler, patent right dealer or public showman, shall for each offense be fined in a sum not exceeding fifty dollars, nor less than twenty dollars, and costs of prosecution, and in default of which payment, may be committed to the county jail for a period not exceeding three months.

How prosecuted

SECTION 8. Any justice of the peace or police justice, upon complaint being made shall issue the warrant for the apprehenson of any person who shall be found traveling and trading, or selling or exposing for sale any patent right, or exhibiting any show contrary to the provisions of this chapter without license, or contrary to the terms of his license.

How penalty collected.

SECTION 9. It shall be the duty of such justice, if a sufficient license to authorize such business be not produced to him, and the fact of such trading or business be proved to him either by the confession of the person so apprehended, or the oath of competent witnesses, to convict the offender of such offense against this chapter, as shall be so confessed or proven, and to issue his warrant on such conviction, directed to some constable or policeman or other person duly authorized to serve the same of the county in which the conviction shall be had, commanding such constable or policeman or other authorized person to cause the amount of the penalty, with costs, to be forthwith levied and collected by distress and sale at public vendue of the goods, wares and merchandize of the offender, and if sufficient goods are not found to satisfy the judgment, and the same is not satisfied, then the justice shall issue his warrant of commitment, directing that the offender be confined in the county jail in the county in which the conviction was had, for a period not exceeding three months, and it shall be the duty of the district attorneys to prosecute all complaints in their respective counties under this act.

If defendant refuse to exhibit license, shall not be entitled to costs.

SECTION 10. In every case of prosecution against any person for the recovery or enforcement of any penalty given in this chapter, no costs shall be allowed to the defendant, if it shall appear that before the commencement of the prosecution such defendant had refused to produce his license when lawfully required, nor in such case shall the defendant be entitled to maintain any action against the person prosecuting him, or the constable or other persons by whom he may have been apprehended, or the justice issuing any warrant or other process against him, or before whom he may have been tried, for any of their acts in so prosecuting, apprehending or trying him.

Limitation of time to prosecute.

SECTION 11. No action or prosecution for the recovery or enforcement of any penalty imposed by the

provisions of this chapter shall be maintained unless it shall appear that the same was brought within one year after the commission of the offense charged.

SECTION 12. This chapter shall not authorize the sale of, or the traveling for the sale of any immoral or obscene book, paper, picture or pamphlet. **Not to authorize sale of obscene books.**

SECTION 13. The secretary of state is hereby authorized to remit any license dues required by this act, from foot or one horse peddlers, or patent right dealers, to any applicant therefor, who shall prove to the satisfaction of the said secretary, that he served as a soldier in the United States army during the late rebellion, and was permanently disabled in such service and honorably discharged therefrom. **Secretary of state may remit license to soldiers.**

SECTION 14. Nothing contained in this chapter shall be so construed as to prevent any manufacturer, mechanic or nurseryman having a legal residence in this state, from selling his own work or production, manufactured or grown in this state in any manner, without license; nor shall any patent right dealer who is a citizen of this state, be required to take out a license to sell his own invention; nor shall any person traveling on foot, canvassing for or selling books, pamphlets, papers or maps, be required to take out the license in this chapter provided. **Home products not to pay license.**

SECTION 15. It shall be the duty of the treasury agent or his assistant, as now required by law in such cases, to superintend and enfore the provisions of this chapter; and for this purpose may appoint special treasury agents, who are hereby authorized, when there is reasonable ground to suppose that such license dues as are required by any law of this state to be paid into the state treasury, may become otherwise uncollectable, [to] seize and detain any vehicle or any animals attached thereto, or any of the goods, wares or merchandise conveyed thereby, or any trunk, box or pack, or any of the contents therein contained, carried by foot peddlers, until the process provided by this chapter can be issued and served, but the said agents shall exercise due diligence in procuring such process to be issued and served. The treasury agent or his assistant, and all special agents duly appointed under them, are hereby authorized to serve any process authorized to be issued under the provisions of this chapter, in the same **Duty of treasury agent.**

manner and for the same compensation as required of constables and policemen for similar services.

Special agents shall take oath.

SECTION 16. Every special treasury agent appointed under the provisions of this act, shall before entering upon the discharge of his duties as such, take and subscribe an oath of office, and file the same with the treasury agent, duly certified by the officer taking it.

Exempt from city license.

SECTION 17. Any person having a license from the secretary of state under the provisions of this chapter as peddler or patent right dealer, shall be exempt from any further license from towns, villages or cities in this state, during the continuance of said license.

Repealed.

SECTION 18. Chapter 177 of the general laws of 1868, and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 19. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1870.

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## CHAPTER 73.

[*Published March* 22, 1870.]

AN ACT to provide for an additional appropriation to the State Historical Society for improving and increasing its library.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation.

SECTION 1. There is hereby annually appropriated to the State Historical Society in addition to the amount already appropriated, out of any moneys in the state treasury not otherwise appropriated, the sum of two thousand five hundred dollars, to commence with the present year, to enable the society to supply needful book deficiencies in the several departments of its collections; to procure the regular and systematic binding of its large accumulation of unbound books, newspaper files, documents, manuscripts and pamphlets, and to thoroughly catalogue the entire collection for the more convenient reference of state officers and citizens who have occasion to consult the library.

SECTION 2. The vouchers for such expenditure shall be deposited with the governor during the month of January in each year; and for this appropriation, as provided by chapter 81 of the revised statutes, and chapter 327 of the general laws of 1860, the society shall continue to be deemed the trustee of the state, and shall not sell, transfer or otherwise alienate any of its books, paintings or collections, without the consent of the legislature.

Where vouchers deposited.

Shall be trustee of the state.

SECTION 3. The state printer is hereby directed to print for the use of the society such circulars and labels as the corresponding secretary of the society may require.

State printer to print labels, etc.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 15, 1870.

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## CHAPTER 74.

[*Published March* 22, 1870.]

AN ACT to defray the expenses of the classes and teachers from the Institutes of the Blind and the Deaf and Dumb.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The secretary of state is hereby authorized and required to audit all accounts and bills for expenses of the classes from the Institutes of the Blind and the Deaf and Dumb, in visiting Madison at the request of the legislature, and to issue warrants on the treasury therefor: *provided*, all such bills shall be certified to as correct either by the superintendent of public property or the committee of the legislature appointed on reception.

Secretary of state to audit accounts.

SECTION 2. There is hereby appropriated out of any money in the treasury belonging to the general fund, not otherwise appropriated, a sum sufficient to carry out the provisions of section one of this act.

Appropriation.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 15, 1870.

## CHAPTER 75.

[*Published March* 22, 1870.]

**AN ACT to appropriate to the Soldiers' Orphans' Home a sum of money for the purchase of a library.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation.

SECTION 1. There is hereby appropriated to the board of trustees of the Soldiers' Orphans' Home, out of any money in the state treasury, not otherwise appropriated, the sum of two hundred dollars annually for the term of three years, for the purpose of purchasing and maintaining a library for the use of the pupils of the said home. The money hereby appropriated shall be expended under the direction of the board of trustees or the executive committee of said board, and an itemized report of all expenditures under this act shall be presented in the annual report of said board of trustees.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 15, 1870.

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## CHAPTER 76.

[*Published March* 22, 1870.]

**AN ACT to provide for the payment of the chief messenger of the senate.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Per diem of chief messenger of the senate.

SECTION 1. The per diem of the chief messenger of the senate is hereby fixed at three dollars per day, and there is hereby appropriated out of any money in the state treasury not otherwise appropriated, a sum sufficient to pay the per diem of said messenger.

SECTION 2. This act shall apply to the whole term of the present session of the legislature.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 15, 1870.

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## CHAPTER 77.

[*Published March* 18, 1870.]

**AN ACT to provide for the payment of the account for publishing the memorial to congress, supplement and proceedings of the Prairie du Chien and Portage City canal conventions.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The secretary of state is hereby authorized to audit, and the state treasurer to pay the account for publishing five thousand copies of the memorial to congress, supplement and proceedings of the Prairie du Chien and Portage City canal conventions, with maps: *providing*, the amount does not exceed eleven hundred dollars. **Secretary of state to audit printing accounts.**

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 15, 1870.

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## CHAPTER 78.

[*Published March* 21, 1870.]

**AN ACT to aid in the propagation and cultivation of brook or speckled trout.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Any person or persons desirous of engaging in the business of propagating, preserving **May erect dams, etc.**

and raising fish and fishes known as the brook or speckled trout upon his or their premises, shall have the right and are hereby authorized to erect and maintain upon their own premises, such dams, sluices, screens, wires, pens and other fixtures, buildings and obstructions as may by them be deemed necessary for such purpose: *provided*, such sluices, dams and other contrivances shall in no way obstruct the navigation of any navigable waters, or interfere with or injure any mill or other water privilege as now enjoyed, or in any way interfere with the rights previously acquired by other persons.

Shall have exclusive control.

SECTION 2. Such person or persons shall have the exclusive control and own all such fish as by him or them are propagated and raised, and may at any time catch and dispose of the same in any way, or in any of the markets of this state.

Penalty for injuring dam or destroying fish.

SECTION 3. Any person or persons who shall, without the authority of the owner of said premises, tear down or destroy, or cause to be destroyed, or shall injure or cause to be injured, any dam, sluice, pen, building or other contrivance erected pursuant to the provisions of this act, for the purposes aforesaid, or any person or persons who shall, without the permission of the owner or owners of the premises, catch or cause to be caught in any way or manner, brook or speckled trout from any of the waters appropriated by the owners to the purposes aforesaid, or any person or persons who shall place or cause to be placed in such waters any sun fish, pickerel or other fish, or poison destructive to trout, shall be guilty of a misdemeanor, and shall, on conviction thereof, be subject to a fine for each offense of not less than twenty-five nor more than one hundred dollars, and in default of payment thereof, to be imprisoned in the county jail not less than thirty nor more than ninety days, and shall be liable to the owners of the premises in civil action in treble damages.

Jurisdiction.

SECTION 4. Justices of the peace shall have jurisdiction to hear, try and determine all cases arising under this act, except when the damages claimed exceed two hundred dollars.

SECTION 5. This act shall be in force and take effect from and after its passage.

Approved March 15, 1870.

## CHAPTER 79.

[*Published March* 19, 1870.]

AN ACT to provide for the admission to the bar of the graduates of the law department of the Wisconsin University.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. All graduates of the law department of the Wisconsin University, shall be entitled to admission to the bar of all the courts of this state, upon presentation to the judge or judges thereof, certificate of such graduation. Entitled to admission.

SECTION 2. This act shall take effect from and after its passage.

Approved March 15, 1870.

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## CHAPTER 80.

[*Published March* 23, 1870.]

AN ACT to amend chapter 114 of the general laws of 1866, entitled "an act to reorganize and enlarge the University of Wisconsin."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section five (5) of chapter one hundred and fourteen (114) of the general laws of 1866, is hereby amended so as to read as follows: "The government of the University shall vest in a board of regents to consist of thirteen (13) members, two (2) to be appointed by the governor from each congressional district of the state, as the districts are now constituted; and the state superintendent of public instruction, who shall be an *ex-officio* member of the board: *provided*, that the present members appointed from the state at Section 5 amended. Government of university.

cases in which to store and preserve the colors and flags of our various regiments, batteries and detachments having such colors or flags, engaged in the late war: *provided*, that the cost of such cases shall not exceed the sum of four hundred and fifty dollars.

How placed.

SECTION 2. The cases shall have glass fronts and of sufficient size to receive all such colors or flags, placing them therein so that they can all be labeled, and when so labeled, seen with the labels from the outside, and without opening the cases.

Shall be labelled.

SECTION 3. The label shall be placed in a conspicuous place on the colors or flags, and shall state the number of the regiment, and also, briefly, the battles, sieges and campaigns in which the regiment, battery or detachment was engaged.

Quartermaster to certify to expenses.

SECTION 4. The quartermaster general shall certify the correctness of all expenditures incurred under the provisions of this act, and when the same is approved by the governor, file such certificate in the office of the secretary of state, and thereupon the secretary of state shall issue his warrant upon the state treasurer for the amount so certified and approved in favor of the parties to whom the same may be due.

Appropriation.

SECTION 5. There is hereby appropriated, out of the general fund, a sum sufficient to meet the requirements of this act.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1870.

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## CHAPTER 83.

[*Published March* 22, 1870.]

AN ACT to amend chapter 179 of the general laws of 1867, entitled "an act to regulate insurance companies not incorporated by the state of Wisconsin."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section one of chapter one hundred and seventy-nine of the general laws of 1867, is hereby

amended by adding, at the end of said section, the words following: "Such certificate and license shall be void until countersigned by the state treasurer, who shall countersign the same after and not before the payment into the state treasury, of the license fee hereinafter mentioned."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1870.

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## CHAPTER 84.

[*Published March 22, 1870.*]

AN ACT to repeal chapter 129 of the general laws of 1861, and reinstate sections 25, 35 and 49 of chapter 13, and sections 63 and 94 of chapter 15 of the revised statutes, "of counties and county officers."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. That chapter one hundred and twenty-nine of the general laws of 1861, an act entitled an act to amend chapter thirteen of the revised statutes, and all acts amendatory thereof, are hereby repealed. Repealed.

SECTION 2. Sections 25, 35 and 49 of chapter 13, and sections 63 and 94 of chapter 15 of the revised statutes, and all other laws relating to the powers and duties of supervisors or their election, which were repealed or amended by said chapter 129, are hereby revived, re instated and declared to be of full force: *provided*, that the present supervisors shall remain in office until the first Tuesday in April next. Revived.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 16, 1870.

## CHAPTER 85.

[*Published March 22, 1870.*]

**AN ACT to provide for the representation of cities and incorporated villages in county board of supervisors.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Cities and villages represented in county board.**

SECTION 1. Every ward or part of a ward of any city in this state, and every incorporated village or part of an incorporated village in this state shall be represented in the board of supervisors of the county in which such ward or part of a ward of any city or incorporated village, or parts of an incorporated village is situated, by one supervisor.

**Election of supervisors.**

SECTION 2. Such supervisors shall be elected anually by the electors of the wards, parts of wards, villages or parts of villages respectively, to be represented by them, at the same time and in the same manner as city and village officers are elected: *provided*, that the office of supervisor shall not be incompatible with that of a member of the common council of any city or the board of trustees of any incorporated village.

**Application of act.**

SECTION 3. This act so far as it applies to cities and incorporated villages shall be regarded and treated as an amendment and addition to each and every charter thereof, for the purposes herein contemplated.

**When to take effect.**

SECTION 4. This act shall take effect and be in force from and after its passage and publication: *provided, however*, that the several cities and incorporated villages in this state shall continue to be represented in the boards of supervisors of the proper counties as they now are until the first Tuesday in April, A. D. 1870.

Approved March 16, 1870.

# CHAPTER 86.

[*Published March 28, 1870.*]

AN ACT to protect the people of Wisconsin from empiricism and imposition in the practice of medicine and surgery.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. That it shall be unlawful for any person within the limits of this said state, who has not graduated in some school of medicine, either in the United States or of some foreign country, or who cannot produce a certificate of qualification from some incorporated state medical society, or has been in the continuous practice of medicine for five consecutive years within this state, and is not a person of good moral character, to practice or attempt to practice medicine in any of its departments, or to prescribe medicine or medicines, or to perform or attempt to perform any surgical operations for reward or compensation, within the state of Wisconsin. Qualifications required.

SECTION 2. Any person living in the state of Wisconsin, or any person coming into said state, who shall practice or attempt to practice medicine in any of its departments, or perform or attempt to perform any surgical operation upon any person within the limits of said state, in violation of section one of this act, shall upon conviction thereof, be fined not less than fifty dollars nor more than one hundred dollars for such offense, and upon conviction for a second violation of this act, shall in addition to the above fine, be imprisoned in the county jail of the [county] in which such offense shall have been committed, for thirty days, and in no case wherein this act shall have been violated, shall any person so violating receive a compensation for services rendered: *provided*, nothing herein contained shall in any way be construed to apply to any person practicing dentistry exclusively; to any midwife practicing midwifery exclusively, nor to any student of medicine practicing medicine and surgery with or under the direction of a preceptor qualified by section number one of this act. Penalty for violation of act.

Must record copy of diploma

SECTION 3. Any person practicing medicine in any of its departments, or prescribing medicine or medicines, or performing surgical operations within the state of Wisconsin, shall be required on or before the the first day of July, 1870, to record in the office of the register of deeds in the county in which he resides or keeps his office, a sworn copy of the diploma or certificate of some school or college of medicine, that he has graduated at such school, or a sworn copy of a certificate of qualification from some incorporated state medical society, and the failure to file a sworn copy of such diploma or certificate as above provided, shall be *prima facie* evidence that he has not attended or graduated at any school of medicine, or received a certificate of qualification from any incorporated state medical society, and subject him upon conviction to fine or imprisonment as provided for in section two of this act.

Must file notice of intention to practice.

SECTION 4. Any person within the state of Wisconsin, who may after the first day of July, 1870, signify by means of cards, hand bills or other advertisements, his intention to practice medicine or perform surgical operations, shall be required to first file in the office of the clerk of the circuit court of the county in which he intends to practice medicine or perform surgical operations, a sworn copy of his diploma or certificate of qualification, as provided for in section three of this act, and the failure to file such sworn copy of diploma or certificate of qualification as above provided, shall be *prima facie* evidence that he has not attended or graduated at any school or college of medicine, or received any certificate of qualification from any incorporated state medical society, and shall subject him upon conviction, to fine or imprisonment, as provided in section two of this act.

SECTION 5. This act shall take effect and be in force from and after the first day of July, 1870.

Approved March 16, 1870.

## CHAPTER 87.

[*Published March 22, 1870.*]

AN ACT to provide for the apportionment of school moneys to towns in certain cases.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The boards of supervisors of those towns which have not raised by order of the county boards of supervisors, a sum sufficient to entitle them to an apportionment of school moneys for the year 1870, are hereby authorized and directed to transfer from the general fund to the school fund of their respective towns, the amounts in which said towns are deficient; and upon the receipt by the state superintendent of public instruction of the certificate of any town clerk that the requisite amount has been thus transferred, he shall apportion to said towns the full sum of school moneys to which such towns would have been entitled, provided the county boards had levied upon such town the amounts required by law. May transfer fund.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1870.

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## CHAPTER 88.

[*Published March 22, 1870.*]

AN ACT to provide for the recovery of taxes unlawfully assessed and collected.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Any person aggrieved by the levy and collection of any unlawful tax assessed against him in May maintain action.

any town, may have and maintain his action against such town for the recovery of all moneys so unlawfully levied and collected from him, and proceed therein to find judgment.

Towns shall be credited with amount paid over.

SECTION 2. In case any town shall have paid such judgment after having paid over to the county treasurer, the state, county and county school tax, levied and collected as part of such unlawful tax, such town shall be credited by the county treasurer on the settlement with the town treasurer of the taxes for the ensuing year, the whole amount of such state, county and county school tax, so paid into the county treasury.

State treasurer shall allow amount to counties.

SECTION 3. The county treasurer shall also be allowed by the state treasurer the amount of state tax so illegally collected and paid to said state treasurer, on settlement by the county treasurer with said state treasurer of state taxes of the ensuing year, after judgment and collection thereof.

SECTION 4. This act shall not have any retro active effect, and shall take effect and be in force from and after its passage and publication.

Approved March 16, 1870.

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## CHAPTER 89.

[*Published March* 17, 1870.]

AN ACT to constitute and re-organize the twelfth judicial circuit; to change the limits of the first and ninth judicial circuits, and to change the time for holding the terms of the circuit court for the county of Jefferson.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Detached and ferred into twelfth circuit.

SECTION 1. The counties of Rock and Green are hereby detached from the first judicial circuit, and the county of Jefferson from the ninth judicial circuit, and said counties of Rock, Green and Jefferson shall constitute a judicial circuit, which shall be known and designated as the twelfth judicial circuit.

Terms fixed.

SECTION 2. The terms of the circuit court in said counties of Rock and Jefferson shall be held at the

time now provided by law for holding the same, and the terms of said court for said county of Green shall commence in each year on the fourth Monday of February, the fourth Monday of September and the second Monday of July.

SECTION 3. No jury shall be summoned for either of the terms of the circuit court, to be held in the months of June, July and August but said court shall have power at such terms, to transact any business or do any act which may be lawfully transacted or done at a general term of the circuit court, without the intervention of a jury. Jury not to be summoned.

SECTION 4. An election for judge of said twelfth judicial circuit, for the term of six years, shall be held in the several towns and wards therein, on the first Tuesday in April next, which election shall be conducted, and the votes given thereat shall be canvassed and returned, in all respects in accordance with existing laws providing for the election of circuit judges, and the term of office of the person who shall be chosen judge of said circuit at such election, shall commence on the first day of January, A. D. 1871. No notice of such election is required, and the same shall not be held invalid for want of any notice thereof. Election of judge.

SECTION 5. This act shall take effect on the first day of April next, but the several counties composing the said twelfth judicial circuit shall for the judicial purposes, remain a part of the several judicial circuits to which they have been heretofore attached, until the end of the thirty-first day of December next. When take effect.

SECTION 6. All acts or parts of acts contravening the provisions of this act are hereby repealed. Repealed.

Approved March 16, 1870.

## CHAPTER 90.

[*Published March* 17, 1870.]

**AN ACT to establish lumber district number nine in the state of Wisconsin.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**District No. 9 established.**

SECTION 1. For the purpose of inspecting and regulating the survey and measurement of logs, timber and lumber on the Chippewa river below the village of Durand and Beef Slough, from the Chippewa river to the Mississippi river and thence [along] the Mississippi river to the mouth of Trempealeau river, are hereby constituted a lumber district to be known and called lumber district number nine.

**To what provisions subject.**

SECTION 2. Said lumber district number nine shall be subject to the provisions of chapter 167, general laws of 1864, entitled an act to establish lumber districts in this state and to regulate the traffice in logs, timber and lumber in said districts.

**Where office of inspector to be kept.**

SECTION 3. The inspector of said lumber district number nine shall keep his office in the town of Nelson in the county of Buffalo.

**Repealed.**

SECTION 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed; and this act shall take effect from and after its passage and publication.

Approved March 16, 1870.

# CHAPTER 91.

[*Published March* 22, 1870.]

**AN ACT to protect the lands and meadows adjacent to West Twin river, in the county of Brown, from overflow and damage at certain times.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Not to overflow banks or lands.

SECTION 1. No company which now is, or hereafter may be authorized by any law of this state to build and maintain any dam or drive logs in West Twin river, in the county of Brown, shall by venting, obstructing or in any way or manner interfering with the waters of said river, cause it to overflow its banks and the lands or meadows adjacent thereto or any part thereof, at any time between the fifteenth day of June and the next ensuing thirtieth day of September of each and every year.

Shall pay damages for overflowing.

SECTION 2. Any member of such company now chartered, or which may hereafter be chartered, or any agent or servant thereof, or any person whatsoever, who by venting, obstructing or otherwise interfering with the waters of said river, during the time aforesaid, shall cause it to overflow its banks and the lands or meadows adjacent thereto, or any part thereof, contrary to the provisions of this act, shall be liable to pay all damages which may be caused thereby to the property of other persons, which damages may be recovered by the person injured, in a civil action in any court of competent jurisdiction.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1870.

## CHAPTER 92.

[*Published March* 19, 1870.]

**AN ACT to provide for the protection from trespasses of the lands granted by congress to the state of Wisconsin to aid in the construction of the Sturgeon Bay Ship Canal.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Shall instruct timber clerks.

SECTION 1. It is hereby made the duty of the commissioners of school and university lands to instruct the timber clerks appointed by them to protect the school and university lands of the state from trespasses, also to preserve and protect the timber growing or being upon any of the lands heretofore granted by congress to the state of Wisconsin to aid in the construction of the Sturgeon Bay Ship Canal.

Timber clerks shall take possession of logs.

SECTION 2. Such timber clerks shall take into possession on behalf and in the name of the state of Wisconsin, any and all logs and timber which may be cut on or carried away from said lands without lawful authority, by any person or persons, wherever the same may be, and sell and convert the same into money, which shall be immediately paid into the state treasury, less the necessary costs and expenses incurred in the recovery and sale of such property: *provided*, that such sale of timber or logs so seized shall be made at public auction to the highest bidder for cash. The time and place of any such sale shall be published for three successive weeks prior thereto, in a newspaper published in the county where such sale is to be held, if there is a newspaper published in such county, and ten days' notice thereof shall be posted in one or more conspicuous places at or near the place of sale, and in one or more conspicuous places at the county seat of the county in which such seizure is made: *provided*, that for the timber or logs already cut at the passage of this act, such timber clerks may at their discretion, commute or compromise for the same, at a rate not less than two dollars and fifty cents per thousand feet.

Shall prosecute trespassers upon state lands.

SECTION 3. Such timber clerks shall have full power, and it is hereby made their duty, to prosecute in

the name of state of Wisconsin, any person or persons who shall cut or carry away any timber or logs growing or being upon said lands, or who shall commit any trespass upon or injury to the same, before any court or magistrate having jurisdiction of the action, and shall recover from such person or persons triple damages for the wrongs and injury done; and said clerks are further authorized and empowered to prosecute such person or persons as provided in section fifty-three of chapter one hundred and sixty-five of the revised statutes.

Clerks shall make report.

SECTION 4. Each of said clerks shall make a full and complete verified report on the last days of March, June, September and December in each year, of all actions commenced and moneys collected, paid out or expended in carrying out the provisions of this chapter, and shall receive such compensation for the additional services imposed by this act as may be fixed by the commissioners of school and university lands, and their necessary expenses: *provided*, that the costs and expenses aforesaid shall not be paid until vouchers and bills for the same shall have been filed with the secretary of state, and approved and allowed by him. And all the compensation and expenses herein mentioned shall first be audited and approved by the secretary of state, and shall be paid by the state treasurer, and a sum sufficient to pay the same, to be audited as aforesaid, is hereby annually appropriated out of any money in the state treasury received from collections made by said clerks in pursuance of this act.

Penalty for retaining money.

SECTION 5. Whenever said clerks shall become possessed of any money, being the proceeds of the sale of any logs or timber cut on or being upon said lands, and shall fail to pay the same over as provided in this act, or shall convert the same to his own use or to the use of any other person, he shall be deemed guilty of the crime of embezzlement, and punished accordingly.

State treasurer to keep separate account.

SECTION 6. The state treasurer shall keep a separate account of the moneys received under this act, and shall keep the same, after paying therefrom the expenses provided for in the foregoing sections, subject to the future order and direction of the legislature.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1870.

## CHAPTER 93.

[*Published March* 23, 1870.]

AN ACT for the improvement and raising of stock.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Male animals not to run at large.

SECTION 1. No stallion over two years old, nor bull over one year old, nor boar or billy goat over four months old shall run at large in this state.

Penalty for violation.

SECTION 2. The owner or owners of any stallion, bull or boar, who shall permit or for any reason suffer the same to run at large contrary to the provisions of section one of this act, shall for every such offense, forfeit the sum of five dollars to the person taking up such animal, and shall in addition thereto, be liable in a civil action to any persons who may suffer damage in consequence of any violation of this act.

Such animals may be taken up.

SECTION 3. Any person finding any animal running at large contrary to the provisions of this act, may take up and secure the same, and shall within seven days thereafter, notify the owner thereof, if to him known, and request such owner to pay all reasonable charges and take such animal away.

If owner be unknown, notice of taking up shall be filed.

SECTION 4. If the owner of any animal be unknown, the finder shall within ten days after taking up the same, file a notice thereof with the town clerk of the town, and if the animals so taken up are of the value of less than five dollars he shall also put up notices of the taking up of such animals in two or more public places in such town, but if the animal or animals so taken up are of the value of more than five dollars, he shall cause such notice to be published in some newspaper of the county, four weeks successively, if one be printed therein; if there be none, then by posting up notices in three of the most public places in such county. All such notices shall contain a brief description of the animals, describing the same by giving marks, natural and artificial as near as practicable, the name, the residence of the finder, as near as may be, the time which such was taken up. Said

town clerk shall transmit a copy of every such notice to the clerk of the board of county supervisors.

SECTION 5. Any finder of an animal or animals, which when taken up are of the value of ten dollars or more, shall within one month after taking up the same, procure an appraisal thereof by a justice of the peace of his town, which appraisal shall be certified by such justice, and within the time before mentioned filed in the office of the town clerk of such town, and he shall pay to such justice fifty cents for such certificate, and six cents for every mile necessarily traveled in such service. Appraisal shall be made.

SECTION 6. If the owner or person entitled to the possession of such animal shall appear at any time within one year after the notice is filed with the town clerk as aforesaid, and make out his right thereto, he shall have such animal restored to him upon paying all lawful charges which have been incurred in relation to the same. Owner may appear and make claim.

SECTION 7. If the owner and the finder of any animal cannot agree upon the amount of such charges or for the use of said animal, either party may make application to any justice of the town where said animal has been taken up, to settle the same, and the party making such application shall give notice thereof to the other party, and if any account shall be found due to the finder by the said justice over the value of the use of such animal, the same shall be a lien on such animal until paid by the owner, and the cost of such adjudication shall abide the decision of the justice. How charges to be adjusted.

SECTION 8. If the owner or person entitled to the possession of any animal shall not appear to make out his title thereto, and pay the charges thereon within one year from the time the notice is filed with the town clerk as aforesaid, and if said animal shall not have been appraised at a greater value than ten dollars, the finder shall have a perfect title to the same, but if the appraisement value of such shall have been adjudged to be more than ten dollars as provided in the fourth section of this chapter, such animal shall be sold at the request of the finder by any constable of the town, at public auction upon first giving public notice thereof in writing, by posting up the same in three of the most public places in such town, at least ten days before such sale, and the finder may bid If owner shall not appear, property to be owned by finder

therefor at such sale, and after deducting all lawful charges of the finder as aforesaid, and the fees of the constable, which shall be the same as upon a sale on any execution, one-half of the remaining proceeds of such sale shall be deposited in the treasury of the town, to be disposed of in such manner as the town may direct, and the other half shall belong to the finder.

Animal not to be taken away.

SECTION 9. If any person shall without the consent of the finder, take away any animal taken up pursuant to the provisions of this chapter without first paying all the lawful charges incurred in relation to the same, he shall be liable to the finder for the value of such animal.

Penalty for neglect to advertise

SECTION 10. If the finder of any animal shall neglect to cause the same to be advertised or a notice thereof to be posted up, or if he shall neglect to procure the appraisal of any animal which shall be of the value of ten dollars or more, or if he shall neglect to perform any of the duties required of him in the [this] chapter, he shall be precluded from acquiring any right of property in such animal by the provisions of this chapter, or receiving any damages or charges for keeping the same.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1870.

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## CHAPTER 94.

[*Published March* 17, 1870.]

**AN ACT to author'ze the appointment of phonographic reporters for the circuit court of the county of Waukesha.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

May appoint reporters.

SECTION 1. It shall be lawful for the judge of the circuit court of the county of Waukesha to appoint one or more phonographic reporters for said court, who shall be sworn officers of said courts, and shall be

skilled in the art of short-hand reporting, one of whom shall attend upon the said court at each term thereof when required by such court or the judge thereof so to do, and shall discharge such duties as the judge may direct.

Compensation.

SECTION 2. The phonographic reporter shall be allowed such daily compensation as shall be fixed by the judge of the court, not exceeding seven dollars per day for each day's attendance upon such court when required by the judge thereof to attend, which shall be certified, audited and paid in like manner as is provided by law for the payment of the sheriff for attending upon court: *provided*, but one such reporter shall be employed at the same time.

Fees for copies.

SECTION 3. In addition to the above compensation the phonographic reporters may charge and collect as fees, ten cents per folio (of one hundred words) for making and furnishing transcripts of their short-hand notes of the testimony and other proceedings of the court in the trial of any action, to be paid by the party requiring such transcript to be made, except in the trials of criminal cases, when the court may in its discretion, order such transcript to be made, audited, certified and paid for in the same manner as the reporter's per diem compensation. In such case the reporter's notes shall be written out in full, and filed with the clerk of the court.

Judge may remove reporters.

SECTION 4. The judge of said court may in his discretion, remove such reporters or either of them, and may fill any vacancy caused by such removal, or from any other cause.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 16, 1870.

## CHAPTER 95.

*Published March* 17, 1870.

AN ACT to encourage joint stock agricultural and industrial fairs and associations.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

May hold real estate.

SECTION 1. Joint stock associations, formed under the laws of this state, for the encouragement of industry by agricultural and industrial fairs and exhibitions, may purchase and hold such real and personal property as shall be necessary for fair grounds, and such property, while used exclusively for such fairs and exhibitions, shall be free from taxes: *provided*, that the quantity of land so exempt shall not exceed forty acres.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 16, 1870.

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## CHAPTER 96.

[*Published March* 19, 1870.]

AN ACT to repeal section three (3) of chapter one hundred and thirty-one (131) of the general laws of 1858, entitled an "act to authorize the governor of the state to visit the several state institutions and the public institutions of other states."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Repealed.

SECTION 1. Section three (3) of chapter one hundred and thirty-one (131) of the general laws of 1858, entitled "an act to authorize the governor of the state to visit the several state institutions and the public institutions of other states," is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 16, 1870.

## CHAPTER 97.

[*Published March* 17, 1870.]

AN ACT to exempt from execution a printing press or presses and printers' material to the amount of fifteen hundred dollars.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. There is hereby exempted from execution and sale, printing materials and printing press or presses, as the owner or owners thereof shall determine, to an amount not exceeding fifteen hundred dollars. Exempted.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 16, 1870.

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## CHAPTER 98.

[*Published March* 22, 1870.]

AN ACT to provide for certain work in the Wisconsin river, and for defraying the expenses thereof.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The governor of the state of Wisconsin shall appoint three commissioners whose duty it shall be to superintend the work at the city of Portage, in Columbia county, in the state of Wisconsin, of protecting the banks of the Wisconsin river from further encroachments and damage to the city of Portage, or for the purpose of doing any other work which in their judgment may be necessary to protect the city of Portage and adjacent territory from further encroachments by said river. Shall appoint commissioners.

Appropriation for expenses.

SECTION 2. To defray the expenses of such work there is hereby appropriated out of the general fund of this state, of moneys belonging to said fund not otherwise appropriated, the sum of five thousand dollars, or so much thereof as may be necessary, to be drawn by the order of said commissioners, and paid out under the directions of said commissioners, as the work progresses.

Commissioners to execute bond

SECTION 3. Said commissioners shall before entering upon the duties under this act, execute a good and sufficient bond to this state, in the penal sum of ten thousand dollars, for the faithful and proper discharge of the duties, which bond shall be approved by the governor of the state.

Shall report to governor.

SECTION 4. Said commissioners shall report to the governor what measures or plans have been adopted, and the amount expended on the work, on or before the first day of October, 1870.

Governor may fill vacancy.

SECTION 5. The governor of this state is hereby authorized to fill any vacancy which may from any cause occur in said board.

Commissioners to make statement.

SECTION 6. At the completion of the work contemplated by this act, said commissioners shall make a detailed statement of their transactions and expenditures to the governor of the state, and shall pay over to the state treasurer any sum apppropriated by this act remaining in their hands unexpended.

Compensation.

SECTION 7. Said commissioners' shall receive for their services the sum of five dollars per day actually employed in their duties under this act: *provided*, that no commissioner shall receive pay for more than twenty days' service.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1870.

# CHAPTER 99.

[*Published March* 18, 1870.]

**AN ACT to provide compensation to a Catholic clergyman for attendance on Catholic inmates of the State Prison.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The State Prison commissioner is hereby authorized and empowered to employ an additional chaplain of the Catholic faith whenever there shall be imprisoned in the State Prison any person or persons of the Catholic denomination, to visit and minister to the spiritual wants of such person or persons, at least once every month, or as often as the State Prison commissioner may deem proper. **May employ Catholic chaplain.**

SECTION 2. Whenever such services shall be so rendered by such additional chaplain, the said commissioner shall certify to the same; and upon such certificate the state treasurer shall pay to the said additional chaplain, out of the general fund not otherwise appropriated, the sum of one hundred dollars per year. **Pay of chaplain.**

SECTION 3. There is hereby appropriated annually out of any moneys in the state treasury not otherwise appropriated, a sum sufficient to carry out the provisions of this act. **Appropriation.**

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 16, 1870.

## CHAPTER 100.

[*Published March* 24, 1870.]

**AN ACT to amend chapter one hundred and fifty-seven (157) of the general laws of the state of Wisconsin, for the year (*A. D.*) 1869, entitled "an act relating to evidence in certain cases."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Amended.**

SECTION 1. Section three (3) of said chapter 157 is hereby amended to be and read as follows: All statements, list or lists of lands (or a certified copy thereof, by any officer in whose custody the same may be) which may have been or shall hereafter be certified to the state of Wisconsin by the president of the United States, or by either of the departments of the United States or any of the officers thereof, including the secretary of the interior, or by the commissioner of the general land office of the United States for railroad or any other purposes, shall be admitted in evidence in all courts, and shall be *prima facie* evidence that the title of the lands therein contained or described, thereupon became vested in the state of Wisconsin.

**Defendant may give evidence in place of deceased.**

SECTION 2. In any suit that may have been commenced or shall be hereafter commenced in any court by an executor, administrator, heir, devisee or legatee or assignee of any deceased person, (except an assignee before due of a negotiable promissory note) upon any promissory note, obligation, contract or other instrument or evidence of indebtedness, if any defendant therein shall set forth, allege or state in his verified answer or by affidavit that the said note, obligation, contract or other instrument or evidence of indebtedness was given, in whole or part, for claimed or pretended services of such deceased person as executor, administrator, trustee, guardian or agent, or in whole or part for any other matter or thing appertaining to or growing out of or arising from such administratorship, executorship, trusteeship, guardianship or agency, and that the said note, obligation, contract or other instrument or evidence of indebtedness was obtained fraudulently or that he or they signed the same through a

misunderstanding of the facts of the case, or through the misrepresentations or concealments on the part of such deceased person, and that such deceased person has never wholly and in full settled his accounts as such administrator, executor, trustee, guardian or agent, and such deceased person absented himself from the state, without settling his accounts or matters as such administrator, executor, trustee, guardian or agent, then said defendant in such suit or either one of them may and shall be allowed in and on all trials or any other proceedings in any such suit or suits, to be a witness and testify and give evidence in the same manner as if such deceased person was still living, or was still living and plaintiff in such suit, and in like manner shall be allowed and entitled to be a witness in any suit by the maker or obligor of any such note, contract, obligation or instrument or evidence of indebtedness as aforesaid, against the executor, administrator, heir, devisee, legatee or assignee of any such deceased person or all or any of them, to set aside, cancel and declare null and void, or to compel the surrender of any such note, obligation, contract or other instrument or evidence of indebtedness.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1870.

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## CHAPTER 101.

[*Published March 28, 1870.*]

**AN ACT to provide for classification and election of railroad directors.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The terms of office of the directors of any railroad or railway company of this state may be extended in the manner herein provided. **Extended.**

SECTION 2. Any railroad or railway company organized and doing business under any law or laws of this **May classify directors.**

state, may by resolution of its board of directors, divide its board of directors into three classes, numbered consecutively, each of which shall be composed, as nearly as may be of one-third of the directors; the term of office of the first class to expire on the day of the annual election of said company, then next ensuing; the second class one year thereafter, and the third class two years thereafter. At each annual election after such classification the stockholders of such company shall elect for a term of three years a number of directors equal to the number in the class whose term expires on the day of such election. All other vacancies to be filled in accordance with the by-laws of said company.

SECTION 3. This act shall be a public act, to take effect and be in force from and after its passage.

Approved March 16, 1860.

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## CHAPTER 102.

[*Published March* 22, 1870.]

**AN ACT to authorize the secretary of state to purchase an index to the laws of the state of Wisconsin.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**May purchase index.**

SECTION 1. The secretary of state is hereby authorized and required to purchase one thousand copies of a synoptical index to the laws of Wisconsin, now being prepared by E. A. Spencer, which index shall include all laws, general, local and private, passed by the territorial and state legislatures, including the laws passed at the present session of the legislature, and which index shall be examined and approved by the attorney general, and bound in good substantial half-binding, and delivered to the secretary of state, to be distributed as the legislature shall direct.

**Shall audit claim.**

SECTION 2. Upon the receipt of the copies of the index provided for in the foregoing section, the secretary of state shall audit the claim of said Spencer for

the sum of two thousand dollars, which shall be in full payment for the copies of the index provided for as aforesaid.

SECTION 3. There is hereby appropriated out of any money in the state treasury belonging to the general fund not otherwise appropriated, a sum sufficient to defray the expenses authorized by this act. Appropriation.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1870.

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## CHAPTER 103.

[*Published March* 25, 1870.]

**AN ACT further to provide for the assessment and collection of delinquent taxes for 1865 and 1866 on shares in national banks in this state.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The treasurer of every county in which there is a banking association organized under a law of the United States, shall within thirty days after the publication of this act, make out and transmit to the state treasurer a statement showing how many shares of stock in any such banking association were assessed for taxes in such county in the year 1868 or 1869, for the years 1865 and 1866, so far as appears from the books or papers in his office; to whom as owner or owners such shares were assessed, and the value at which they were assessed for each of said years, and also the rate per cent. or amount of tax set down on the assessment roll against the name of each owner of such shares for each of said years, and upon which of such shares the said taxes have been paid, and which were returned delinquent. Duty of county treasurers.

SECTION 2. If it shall appear to the state treasurer from such statement or otherwise that the taxes due the state for the years 1865 and 1866, on the shares in any Shall give notice to assessor of non-assessment of shares for 1865-6.

such banking association have not been assessed and levied in conformity to the provisions of chapter 136, general laws of 1868, or of chapter 167, general laws of 1869, the treasurer shall give notice of such fact to the assessor of the city, village, or town where such association is located; and it shall be the duty of such assess or to include such shares in his valuation of personal property for the year 1870; and such assessor and the clerk of such city, village or town, and the treasurer or other collecting officer thereof, shall proceed in the assessment of such shares, and in the levy and collection of taxes thereon according to the provisions of said chapter 136.

Duty of assessors.

SECTION 3. Every such assessor may apply to the cashier or other officer of any such banking association for the names of the persons who owned shares therein in the years 1865 and 1866, and upon such application it shall be the duty of such cashier or other officer to furnish to such assessor a correct list of all the shareholders in such association, showing their respective places of residence, so far as he can ascertain the same, and the number of shares held by each shareholder on the fifth day of June in each of said years, to be verified by the affidavit of such officer.

Penalty for officers.

SECTION 4. Any officer who shall wilfully neglect or refuse to perform any of the duties required of him by this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than one thousand dollars nor more than two thousand dollars, or by imprisonment in the county jail not less than six months nor more than one year.

Penalty of bank officers.

SECTION 5. If any president or cashier of any such national bank shall refuse to give to the proper assessor the list and statement required by the third section of this act, the president or cashier so refusing shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not less than two thousand dollars nor more than five thousand dollars.

Duty of state treasurer.

SECTION 6. The state treasurer is hereby directed to forward to each assessor and collector of taxes, at places where such banks are located, a printed copy of this act, with such instructions as he may think necessary to aid them in the performance of their duties under the same.

SECTION 7. No tax levied under the provisions of this act shall be held invalid for want of form, or for any mere omission or irregularity which does not affect the substantial justice of such tax. Tax not invalid.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1870.

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## CHAPTER 104.

[*Published March* 24, 1870.]

AN ACT to aid the West Wisconsin Railway Company.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. That the time in the act entitled an act to aid the Tomah and Lake St. Croix Railroad Company, now the West Wisconsin Railway Company, approved April 2, 1864, and the acts supplementary thereto in relation to taxing the lands granted by congress to aid in building the road of said company, be further extended for ten years, for that or any portion of said lands that shall remain unsold by said company, but in case said railway company shall sell or contract to sell or lease all or any portion of their lands to the Wisconsin Colonization Company or any other company or to individuals, the purchaser or purchasers shall not have or receive any benefit from such extension, any law to the contrary notwithstanding. Time extended

SECTION 2. It shall be the duty of the West Wisconsin Railway Company when applied to by the proper officers of any town, city, county or state within the limits of their grant, to furnish a true list of lands sold, contracted to be sold or leased, that they may be properly assessed and taxed according to law; *and it is further provided*, and this act is upon the express condition that if the said railway company shall not have built their said road within two years from the passage of this act, then and in that case this act shall be null and void: *provided*, that this act shall not apply to Pierce county. Shall furnish list of lands.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 16, 1870.

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## CHAPTER 105.

[*Published March 26, 1870.*]

AN ACT for the preservation of game in the counties of Milwaukee, Racine, Kenosha, Waukesha, Walworth, Jefferson, Rock, Green, Dane, La Fayette and Grant.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Game not to be destroyed—wood cock.

SECTION 1. No person shall catch, kill or otherwise destroy, or have in his or her possession, or expose for sale, any woodcock in the counties of Milwaukee, Racine, Kenosha, Waukesha, Walworth, Jefferson, Rock, Green, La Fayette or Grant, between the fifteenth day of November and the succeeding fourth day of July in each year, nor any grouse, prairie hen or chicken, partridge, ruffed grouse or quail, between the fifteenth day of November and the succeeding twentieth day of August in each year, under a penalty of ten dollars for each such game bird caught, killed or otherwise destroyed, or had in possession or exposed for sale.

Grouse, etc.

SECTION 2. No person shall at any time or at any place within either of the counties named in the first section of this act, catch or take, with any trap, snare or net, any grouse, prairie hen or chicken, partridge, ruffed grouse, quail or wild duck under a penalty of ten dollars for each grouse, prairie hen or chicken, partridge, ruffed grouse, quail or wild duck so caught or taken.

Duck.

SECTION 3. No person shall within either of the counties named in the first section of this act, kill or expose for sale or have in his or her possession after the same is killed, any wood-duck, mallard-duck or teal-duck between the first day of February and the succeeding first day of September in each year, under a penalty of ten dollars for each such duck so killed, had in possession or exposed for sale. And no person shall

at any time or at any place within either of said counties, kill any wild-duck, brant or wild-goose with or by means of the device, instrument or fire-arm known as a punt or swivel gun, or with or by means of any gun or fire-arm other than such guns or fire arms as are habitually raised at arms length and fired from the shoulder, or shall use any such device, instrument or gun other than such shoulder gun as aforesaid, with intent to kill any wild-duck, brant or wild-goose under a penalty of fifty dollars for each and every offense.

Penalty for trespassing upon another's premises.

SECTION 4. Any person who shall within either of the counties named in the first section of this act, enter upon the lands or premises of another, and thereon pursue, catch, kill or otherwise destroy any of the game birds or wild fowl mentioned in this act during the times when the killing of such game birds or wild fowl is forbidden by the provisions thereof, or being thereon, shall do or commit any other act or thing forbidden by the provisions of this act, shall be deemed guilty of trespass, and in addition to the damages and the penalty or penalties imposed by the provisions of this act for the violation thereof, shall be liable to a penalty of ten dollars, which may be recovered with costs of action by the owner or occupants of the lands or premises so entered upon, before any justice of the peace of any town or police justice of any city in the county where the offense was committed or where the defendant may reside or be found.

Recovery of penalties.

SECTION 5. All penalties imposed by the provisions of this act may be recovered with costs of action by any person or persons (except the penalty named in section four thereof for the entering upon the lands or premises of another, &c.) in his or their own names, before any justice of the peace in any town, or police justice of any city in the county where the offense was committed or where the defendant may reside or be found, and any such justice of the peace or police justice is authorized upon receiving sufficient security for costs on the part of the complainant, and satisfactory proof by affidavit of the violation of any of the provisions of this act by any person being temporarily within his jurisdiction, but not residing therein, or by any person whose name and residence are unknown, to issue his warrant and have such offender committed or held to bail, to answer the charge against him. And

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1870.

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## CHAPTER 108.

[*Published March* 23, 1870.]

**AN ACT to amend section 135, chapter 152 of the general laws of 1869, entitled "of highways and bridges."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section one hundred and thirty-five (135) of chapter one hundred and fifty-two of the general laws of 1869, entitled "of highways and bridges," is amended so as to read as follows: "Whenever the supervisors of any adjoining towns shall be unable to agree or fail to meet in the location or laying out of a highway extending into or through such towns, so as to make a continuous road from one town into or through the other, as may be required for the convenience of the public, or whenever the supervisors of any town of this state shall lay out a highway up to the line of an adjoining town, and the supervisors of said adjoining town shall refuse or neglect to lay out a highway so as to continue said highway into or through said adjoining town, as the convenience of the public may require, upon petition of thirty freeholders, fifteen of whom shall reside in each of such towns, setting forth such disagreement or failure to meet, or refusal or neglect to lay out such highway, as the case may be, and praying the laying out of a road extending into or through such town or towns, the said board of county supervisors shall proceed in the same manner as hereinbefore provided, to view, lay out and establish such highway: *provided*, that when a county line shall divide any such two towns, that said petition shall be presented to the board of county supervisors in which the town is situated, that through its supervisors refuses or neglects to lay out such highway.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1870.

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## CHAPTER 109.

[*Published March* 25, 1870.]

**AN ACT to authorize the board of regents of normal schools to use an additional amount of the income of the normal school fund in finishing and furnishing the normal school building at Oshkosh.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. In addition to the money now provided and limited by law, there may be used by the board of regents of normal schools out of the income of the normal school fund, for the purpose of completing and properly furnishing the normal school building at Oshkosh, a sum not to exceed ten thousand dollars. **May use income for building.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1870.

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## CHAPTER 110.

[*Published March* 25, 1870.]

**AN ACT to relieve owners of and other persons having real estate in any of the cities of this state.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. In all cases where any assessment has been or shall be made by the authorities of any city of this state, for the purpose of raising money to pay for any work done or improvement made or to be made **May settle for work done by contractor.**

upon any street or highway in such city, and the cost of which work or improvement has been or is liable to be assessed against any lot or parcel of land bounded by such street or highway, it shall be lawful for the owner of or any person having an interest in any lot or parcel of land bounded by such street or highway, and any contractor or his assigns having any claim against such lot or parcel of land for any work done or to be done by him upon such street or highway under or by virtue of any contract with the authorities of such city, to agree and settle for such work and improvement.

Release shall be entitled to record.

SECTION 2. Any release duly executed and acknowledged by any contractor or his assigns under the provisions of the foregoing section shall be entitled to record in the office of the register of deeds of the county wherein such land is situated, and shall be a full payment and effectual release and discharge of all claim of such contractor or his assigns against any lot or parcel of land mentioned therein, but not of any claim of the city for printing, surveying, engineering and other incidental expenses, and also of all claims against the owner of the same, or the city which may be a contracting party for such work or improvement.

SECTION 3. This act shall take effect from its passage.

Approved March 17, 1870.

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## CHAPTER 111.

[*Published March* 22, 1870.]

**AN ACT to appropriate one thousand dollars for the purpose of erecting a Turkish bath in the Lunatic Asylum.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one thousand dollars, for the purpose of erecting the Turkish bath in the State Lunatic

Asylum: *provided*, the superintendent of the said Lunatic Asylum shall deem the erection of such bath necessary or advisable.

SECTION 2. The bathing rooms shall be fitted up under the superintendence of the superintendent of the Insane Asylum. Who to superintend.

SECTION 3. This act shall be in force from and after its passage and publication.

Approved March 17, 1870.

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## CHAPTER 112.

[*Published March* 25, 1870.]

AN ACT to provide for the relief of the families of citizens of Wisconsin who served in the regular army of the United States.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Every citizen of this state who enlisted and served as a non-commissioned officer or private in the regular army of the United States during the late civil war or any part thereof, and who during the time of such service, had a family dependent on him for support, who was credited to the state of Wisconsin upon its quota under any call of the president of the United States for men to serve in said civil war, and the families of those who died in said service, shall receive the same extra pay as was given to enlisted or drafted men under the provisions of chapter 117 of the general laws of 1864, and chapter 416 of the general laws of 1865, under the same conditions, restrictions and limitations as provided in said chapters, and all the provisions of said chapters shall apply to and be construed to include non-commissioned officers and privates in the regular service aforesaid, excepting sections 12, 13, 14 and 15 of chapter 117 of the general laws of 1864, aforesaid: *provided*, that the families of those who died in said service, referred to in this act, shall receive no more extra pay than is provided in section 6 of chapter 117 of the general laws of Extra pay to soldiers of the regular army.

1864, and under the same restrictions and provisions, and all applications for extra pay under this act, shall be filed with the secretary of state on or before the first day of March, 1872, and the secretary of state shall require satisfactory proof of such service.

Appropriation. SECTION 2. There is hereby appropriated, out of any moneys in the state treasury not otherwise appropriated, a sum sufficient to pay all claims which shall be presented and allowed under the provisions of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1870.

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## CHAPTER 113.

[*Published April* 4, 1870.]

AN ACT to appropriate to the Soldiers' Orphans' Home the sum of forty thousand dollars.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Appropriation. SECTION 1. There is hereby appropriated to the Soldiers' Orphans' Home out of any money in the treasury belonging to the general fund, not otherwise appropriated, the sum of forty thousand dollars, being payment in full for buildings, repairs and current expenses; and also the sum of one hundred dollars each, to every soldier's orphan whose father was killed or died in the late war in the volunteer service of this state, who is supported by charity in any part of the state: *provided*, that the same prerequisites which are required for admission into the Soldiers' Orphans' Home, shall also be required to entitle such orphan to the benefit of this act, and it shall be the duty of the mayor or president of any incorporated city or village, or the chairman of the board of supervisors of any town, to make out and furnish to the secretary of state, the evidence and papers necessary to entitle each of said orphans to such appropriation.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1870.

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## CHAPTER 114.

[*Published March* 24, 1870.]

**AN ACT to authorize counties, cities, towns and villages to aid in the construction of the Portage, Stevens Point and Superior Railroad.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. It shall be lawful for the proper officers of any county through any portion of which any part of the railroad of the Portage, Stevens Point and Superior Railroad Company of [or] the company with which said company shall at any time unite or consolidate, or any incorporated village or city in such county, to levy a tax upon all the taxable property in such county, town, incorporated city or village to aid in the location and construction of any portion of such road, and for the purchase of right of way and depot grounds, and for like purposes to issue the bonds of any such county, town, incorporated city or village in such sum or sums, and upon such terms and conditions as shall be agreed upon by and between such county, town, incorporated city or village, and the said Portage and Superior Railroad Company, or the said Winnebago and Superior Railroad Company, or any railroad company which may be consolidated by or grow out of the two said companies; but no such tax shall be levied, nor bonds issued by any such county, town, incorporated city or village, unless a majority of the legal voters of such county, town, incorporated city or village, voting on the question, shall first have voted in favor of such tax or the issuing of such bonds, in the manner hereinafter provided. **Counties, towns, etc., may aid railroads.**

SECTION 2. Whenever either of said railroad companies shall require aid from any such county, town, **Companies may make propositions.**

incorporated city or village, it shall make and deliver to the clerk of the board of supervisors of such county, the town clerk or clerk of such incorporated city or village, as the case may be, a definite proposition in writing, signed by the president or secretary of said railroad company, and sealed with the common seal of said company, which proposition shall contain a distinct statement of the amount of money or bonds desired, and the terms and conditions and considerations upon which the same will be required to be paid and delivered to said railroad company.

Clerks shall call elections.

Upon receiving such definite proposition the clerk of the board of supervisors of such county, the town clerk or clerk of such incorporated city or village, as the case may be, shall within ten days, publish or cause to be published, a notice of an election to be held by the legal voters of such county, town, incorporated city or village, at the usual place or places of holding elections in such county, town, incorporated city or village, and at such time as he may designate, which shall not be less than twenty nor more than thirty days from the date of such notice, which notice shall contain a full statement of the proposition made by said railroad company, and shall call upon the voters to deposit a ballot upon which shall be written or printed, the words, "for the railroad proposition," or the words, "against the railroad proposition."

Form of ballot.

How election conducted.

SECTION 3. Such election shall be held and conducted in the same manner that other general elections in such counties, towns, incorporated cities or villages are by law required to be held and conducted, and the votes cast at such election shall be counted, canvassed and returned in the same manner as the votes at any such general election, and the canvassers shall make, certify, sign and deposit with the clerk of such county, town, incorporated city or village, a statement of the whole number of votes cast upon the question, as well as a statement of the number for the railroad proposition, and of the number against the railroad proposition, and such certificate shall be conclusive evidence of the fact as to the number of votes cast for or against such proposition, and also of the fact that such election was regularly held and conducted according to law.

SECTION 4. If a majority of the legal voters who shall vote on the question at any election to be held in any such county, town, incorporated city or village, in pursuance of the provisions of this act, shall as indicated by the official returns of any such election, vote "for the railroad proposition," it shall be the duty of the proper officers in every such county, town, incorporated city and village, to cause said tax or bonds so voted to be raised or issued, and to be levied and collected or issued, and to be paid over or delivered to the said railroad company, on the performance by said company of the terms and conditions contained in such railroad proposition. **If vote is for aid, tax shall be levied.**

SECTION 5. For the purpose of giving effect to the provisions of this act, the proper officers of every county, town, incorporated city and village mentioned in this act are hereby declared to be the chairman of the county board of supervisors and the clerk of the board of supervisors in each county, the chairman of the board of supervisors and the town clerk in each town, the mayor and city clerk of such incorporated city, and the president and clerk of each incorporated village. **Definition of proper officers.**

SECTION 6. The tax authorized by this act shall be levied, assessed and collected in the same manner and form as other taxes are levied, assessed and collected in such county, town, incorporated city or village, and shall when collected, be paid over to said railroad company by the treasurer of such county, town, incorporated city or village, as the case may be, on the certificate of the chairman of the board of supervisors of such county or town, or the mayor or president of such incorporated city or village, that the said railroad company has performed all the terms and conditions of the proposition under which such tax was voted, levied assessed and collected; and such treasurer shall give additional bonds, to be approved in the usual manner, in double the amount of the tax so to be collected by him, conditioned that he will faithfully pay over such tax as required by this act, and the bonds hereby authorized to be issued shall be issued by such officers in such amounts and with such rate of interest and upon such time, and delivered to such railroad company as shall have been agreed upon between such county, town, incorporated city or village. **How tax to be levied.**

How shares to be disposed of.

SECTION 7. All shares, or the capital stock or the bonds or other securities given by said railroad company to any county, town, incorporated city or village, may be taken, held, sold and transferred by such county, town, incorporated city or village, in the same manner and with like effect as can be done by individuals, and upon such terms and conditions as shall have been agreed upon between such county, town, incorporated city or village, and the said railroad company.

Shall levy tax for interest.

SECTION 8. Whenever any county, town, incorporated city or village shall issue any bonds, it shall be the duty of the proper officers of such county, town, incorporated city or village to levy annually upon the property thereof as aforesaid, a tax sufficient to pay the interest upon such bonds, and raise a sinking fund to pay the principal thereof when the same shall become due and payable, and whenever any such county, town, incorporated city or village shall issue and deliver to such railroad company its orders on its treasurer for the payment of the amount of any tax or part thereof voted, when the same shall become due, it shall be the duty of its proper officers to annually levy a tax sufficient to pay such orders when due, according to the terms thereof; and when any officers shall fail to levy any such tax as hereby required, the holders of any such bonds or orders may apply to a circuit judge of the proper county in term time or in vacation, whose duty it shall be to issue forthwith his proper writ or order, commanding such officers to levy, collect and pay over such tax to the persons entitled to the same.

SECTION 9. This act is declared a public act, and shall take effect and be in force from and after its passage.

Approved March 17, 1870.

## CHAPTER 115.

[*Published March* 25, 1870.]

AN ACT to amend section 2 of chapter 188 of the general laws of 1869, entitled "an act to repeal chapter 452 of the general laws of 1864, entitled 'of counties and county officers,'" and to amend section 51 of chapter 13 of the revised statutes, entitled, "of counties and county officers."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section 2 of chapter 188 of the general laws of 1869, is hereby amended so as to read as follows: Section 2. Section fifty-one of chapter thirteen of the revised statutes is hereby amended by adding after the word, "law," in the last line of said section, the following words: "No publication of notice of tax sales shall be deemed a legal notice except the same be published in a newspaper printed in the English language, but whenever in the opinion of a court, judge, officer or other person ordering the publication of any other legal notice, the interest of the public and of the parties interested will be subserved thereby, such court, judge, officer or other person shall have authority to order the publication of such notice in some paper printed in other than the English language. If such legal notice shall be so ordered, it shall be published in such newspaper in the English language, and such publication shall be deemed sufficient legal notice."

Amended.

What deemed legal notice of tax sales.

SECTION 2. This act shall take effect immediately and be in force from and after its passage.

Approved March 16, 1870.

## CHAPTER 116.

[*Published March* 25, 1870.]

**AN ACT providing for the settling of bill of exceptions and tests of process in certain cases.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

How bill of exceptions to be settled.

SECTION 1. In all suits whenever either party may wish to settle a bill of exceptions, and the person who was the judge before whom the same was tried, shall cease or have ceased to be such judge, either from the expiration of his term of office, or from resignation or other cause, such person shall have authority, and shall proceed to settle and sign such bill of exceptions in the same manner as if he was still acting as such judge, and may sign the same as late judge.

May be compelled.

SECTION 2. If such person shall refuse to so settle and sign such bill of exceptions, he may be compelled so to do, by mandamus or other proper process, the same as if he was still holding such office.

How process tested in case of vacancy.

SECTION 3. In case there is a vacancy in the office of the judge of any court, during such vacancy, any writ or process which may issue therefrom, if required by law to be tested, the same shall be tested in the name of the chief justice of the supreme court.

SECTION 4. This act shall take effect and be in force from and after its publication.

Approved March 16, 1870.

# CHAPTER 117.

[*Published March* 24, 1870.]

**AN ACT for the protection of the capitol and the capitol park, in the city of Madison.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Every person who shall write, print, paint or draw with a pencil, or in any manner make any representations of any kind upon the walls or any other part of the capitol, written inside or outside of said building, or shall in any manner deface, injure or mutilate any part of said building, from the vault to the cupola, shall, upon conviction, be fined not exceeding one hundred dollars, and be subject to imprisonment in the county jail of Dane county until the fine is paid. **Penalty for defacing capitol.**

SECTION 2. Every person who shall wilfully injure any of the trees or shrubs in the park surrounding the capitol, or shall leave any filth or commit any nuisance in said park, shall be deemed guilty of misdemeanor, and on conviction thereof, shall be punished by a fine of not more than one hundred dollars, or imprisonment in the county jail of Dane county not exceeding three months, or both, at the discretion of the court, and shall also be liable in damages to the state. **Penalty for injury to shrubbery.**

SECTION 3. It is hereby made the duty of the superintendent of public property of the state and the duty of all his employes, to arrest and prosecute all who violate the provisions of the foregoing sections, and they are hereby authorized and empowered to arrest all such persons who have violated the provisions of this act, found upon the said premises, summarily without process, and take them before some justice of the peace of the city of Madison, or the police justice, who shall have jurisdiction of the offenses mentioned in this act; and it is further enacted that one-half of the fine received in such cases under this act, shall go to the informer. **Superintendent to arrest offenders.**

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 16, 1870.

# CHAPTER 118.

[*Published April* 4, 1870.]

AN ACT to submit to the people an amendment to section eight (8) of article one (1) of the constitution.

## PREAMBLE.

Preamble.

WHEREAS, The legislature of this state, at its annual session for the year 1869, proposed and adopted, by a vote of the majority of the members elected to each of the two houses, an amendment to the constitution of this state, in the following language:

*Resolved by the assembly, the senate concurring,* That section 8 of article 1 of the constitution of the state of Wisconsin be amended so as to read as follows: Section 8. No person shall be held to answer for a criminal offense without due process of law, and no person for the same offense shall be put twice in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself. All persons shall before conviction, be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require it. Approved March 9, 1869; and

WHEREAS, The foregoing proposed amendments to the constitution of the state were duly ratified and agreed to by the legislature of 1870, and approved; therefore,

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Shall be submitted.

SECTION 1. The foregoing proposed amendment to the constitution of this state shall be submitted to the people at a general election to be held on Tuesday succeeding the first Monday of November, 1870, and if the people shall approve and ratify said amendment by a majority of the electors voting thereon, said amend-

ment shall become a part of the constitution of this state.

SECTION 2. The form of the ballot in voting to approve and ratify said amendment shall be "against the grand jury system," and against said proposed amendment, "for the grand jury system," which shall be on a separate ballot, and shall be deposited in a separate box to be provided for that purpose, and all persons qualified to vote at any election in this state shall be deemed voters on this question. Form of ballot.

SECTION 3. The votes cast approving and ratifying or disapproving said amendments shall be counted and returned by the inspectors of the election in all respects as votes for state officers are counted and returned, and the officers now designated by law to canvass the returns of votes for state officers, shall canvass the returns on this question, at the same time and place and under the same regulations and restrictions now provided by law for canvassing and declaring the returns of elections for state officers. How votes canvassed.

SECTION 4. Within three days after the determination of said canvass, it shall be the duty of the canvassers to certify the result of the said canvass to the governor, who shall thereupon, without delay, make proclamation of the result. Shall certify to governor, who shall make proclamation.

SECTION 5. The secretary of state is hereby required to include the substance of this act in the notice of the general election for the year 1870. Secretary of state to give notice.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1870.

# CHAPTER 119.

[*Published March* 25, 1870.]

**AN ACT to provide for levying and collecting a state tax for the year 1870.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amount of state tax to be levied.

SECTION 1. There is hereby levied upon all the taxable property of the state, a state tax for the year of our Lord one thousand eight hundred and seventy, of four hundred and eighty thousand dollars, in addition to the amount authorized to be levied by existing laws. Said tax shall be apportioned among, and assessed upon the several counties of the state and collected and paid into the state treasury as provided by law. The same shall be apportioned by the secretary of state, on or before the second Monday in October next, and the amount apportioned to any county shall be certified by the secretary of state to the clerk of the board of supervisors of such county as soon as may be after the apportionment, and the said clerk shall apportion the same among and certify the same to the several towns, cities and incorporated villages thereof, according to law, and the amount so apportioned shall be collected and paid over according to law.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1870.

# CHAPTER 120.

[*Published March* 24, 1870.]

**AN ACT to define the meaning of the word, "supplies," as used in section one of chapter 100 of the general laws of 1867, entitled "an act to amend section one of chapter 66 of the general laws relating to liens for labor and services upon logs and lumber in certain counties."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The word, "supplies" wherever the same is used in an act to amend section one of chapter 66 of the general laws of 1866, entitled "an act to amend chapter 517 of the general laws of 1865, entitled 'an act to amend section one of chapter 154 of the general laws of 1862, entitled 'an act providing for a lien for labor and services upon logs and lumber in certain counties,'" shall be construed in all courts and places to mean, feed used for teams, and the food necessarily used in camp to support the men, and no other thing. **Meaning of word "supplies."**

SECTION 2. Section one of said chapter 100 is further amended by inserting the word, "Waupaca" between the words, "Wood and Manitowoc" where they occur in said section, so that part of the section shall read, "counties of Pierce, St. Croix, Polk, Dallas, La Crosse, Marathon, Portage, Wood, Waupaca, Manitowoc, Shawano, Door, Kewaunee, Oconto and Brown." **Further amended.**

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1870.

## CHAPTER 121.

[*Published April* 4, 1870.]

**AN ACT to amend section 1 of chapter 61 of the general laws of the state of Wisconsin [for] 1868, entitled "an act to amend sub-division 2 of section one, and to repeal sub-division 3 of section one of chapter 92 of the revised statutes, entitled 'of real property by descent.'"**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 1 of chapter 61 of the general laws of 1868, entitled "an act to amend sub-division 2 of section 1 of chapter 92 of the revised statutes, and to repeal sub-division three of section 1 of chapter 92 of the revised statutes, entitled 'of real property by descent,'" is hereby amended so as to read as follows: "Sub-division 2 of section 1 of chapter 92 of the revised statutes is hereby amended so as to read as follows: 'If he shall leave no issue, his estate, real and personal, shall descend to his widow; if he shall leave no issue or widow, his estate shall descend to his parents, if living, and if either shall not be living, the survivor shall inherit his said estate. If a woman shall die leaving no issue, her estate real and personal, shall descend to her husband, if she shall have one at the time of her decease, and if she shall leave surviving her, neither issue nor husband, then her estate, real and personal, shall descend to her parents if living, and if either shall not be living, then the surviving parent shall inherit her said estate.'"

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1870.

# CHAPTER 122.

[*Published March* 24, 1870.]

**AN ACT to authorize counties, towns, cities and villages to aid the Milwaukee and Northern Illinois Railroad Company.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Counties, towns, etc., may subscribe for stock of railway company, and issue bonds in payment of the same.

SECTION 1. It shall be lawful for any county through or near to, any portion of which any part of the railroad of the Milwaukee and Northern Illinois Railroad Company or any branch thereof shall run into or near to, or any town or incorporated city or village in such county, whether immediately on the line of such road or not, to subscribe for, agree to take, and take and pay for capital stock (of either class,) or bonds of said company in the manner and on the terms and conditions hereinafter provided; and for the purpose of paying or securing payment of such subscriptions for stock or bonds, to make, issue and deliver to said company its bonds, payable to such person or persons, trustees or corporation, or to said company or bearer, at such time, for such sum or sums, with such rate of interest, transferable by general or special endorsement or by delivery, and in such form and manner as may be agreed upon by and between the directors of said railway company and the proper officers of such county, town, incorporated city or village, as the case may be; or if by the terms of the subscription in any case, no provision is made for giving bonds of the company therefor, then to raise by special tax such sum or sums of money, either all at once in one year or in yearly instalments, not to exceed three in three successive years, and to pay the same and to give money orders on the treasurer of the county, town, city or village, as the case may be, for the payment of the same to said company at a time agreed upon, and which orders when given, such treasurer shall be bound to accept in due form, and thereupon such orders shall be transferable by delivery as commercial paper; but no such subscription for the

stock or bonds of said company, and no such bonds or orders shall be issued or delivered to said company, or money paid thereto by or for any such county, town, city or village, unless a majority of the legal voters of such county, town, city or village, as the case may be, voting on the question, shall first have voted in favor of such subscription in the manner hereinafter provided; but when such subscription shall have been made, the same shall be absolutely binding upon the county, town, city or village, by or in whose behalf such subscription shall be made, as the case may be.

Company to file proposition with clerk of board, or town or city clerk.

SECTION 2. Whenever the said company shall desire any such county, town, city or village to subscribe for and take any of its stock or bonds, it shall make and deliver to the clerk of the board of supervisors of such county, the town clerk of such town or the clerk of such city or village, as the case may be, a proposition in writing, signed by the president and secretary of said company, and sealed with its corporate seal; which proposition shall state the amount, kind and description of stock or bonds which the county, town, city or village is desired to subscribe for and take, the terms on which it is desired to subscribe for and take the same, and the manner in which it is desired that such county, town, city or village shall pay or secure payment of such subscription, whether in money or bonds; and if bonds are desired to be issued therefor, then the amount of each bond, the aggregate amount of all such bonds, the rate of interest they shall bear and the time of payment thereof. Upon receiving such proposition, the clerk of the board of supervisors of such county, the town clerk of such town or the clerk of such city or village, as the case may be, shall immediately call a meeting of the proper authorities of such county, town, city or village, to take into consideration the proposition of said company, when such board or proper authorities may in their discretion give notice of an election to be held by the legal voters of such county, town, city or village, as the case may be, at such place, on such day and during such hours in the day as they may designate, which days shall not be less than twenty nor more than thirty days from the date of such notice; and such notice shall contain a statement of the substance of the proposition made by said company as aforesaid, and shall call upon the

Clerks shall call meetings, and elections may be held to vote on proposition.

voters to deposit each a ballot, upon which shall be written or printed the words, "for the railway proposition," or the words, "against the railway proposition." Form of ballot.

SECTION 3. Such election shall be held and conducted in the same manner, except as herein otherwise provided, that other general elections in such counties, towns, cities or villages are by law required to be held and conducted, and the votes cast at such election shall be counted, canvassed and returned in the same manner as the votes at any such general election, and the canvassers shall make, certify, sign and deposit with the clerk of the board of supervisors of such county, the town clerk of such town, or the clerk of such city or village, a statement of the whole number of votes cast upon the question, as well as a statement of the number containing the words, "for the railway proposition," and of the number containing the words, "against the railway proposition," and such certificate shall be conclusive evidence of the fact as to the number of votes each way, for and against such proposition, and also of the fact that such election was regularly ordered, noticed, held and conducted according to law. How election held and conducted.

SECTION 4. If a majority of the legal voters of any such county, town, city or village, voting in pursuance of the provisions of this act, shall vote "for the railway proposition," it shall be the duty of the proper officers, in behalf of such county, town, city or village, to subscribe for and take stock or bonds of said company, of the kind and description, to the amount and on the terms and conditions specified in such proposition of said company, and in payment therefor to make, issue and deliver to said company the bonds of such county, town, city or village, as the case may be, payable to bearer, or, as the case may be, of the proper authorities of such county, town, city or village, to levy, collect and pay to said company in money, the amount of such subscription, in all respects in accordance with the terms and conditions of such proposition of said company; such tax to be in addition to all other taxes authorized by law, to be levied upon all taxable property in such county, town, city or village; and in case such subscription is payable in money and not in bonds, the proper officers of the county, town, city or village, as the case may be, shall at the time of subscribing, sign If proposition is adopted, how authorities to proceed.

and deliver to said company orders on the treasurer of the county, town, city or village, as the case may be, for the amount of the subscription payable according to the terms of such subscription, which orders shall at once be accepted by such treasurer, and shall be binding on the county, town, city or village, as the case may be.

Definition of "proper officers" and "proper authorities."

SECTION 5. For the purposes of this act, the term, "proper officers" shall be held to intend and mean, in the case of a county, the chairman and clerk of the county board of supervisors of such county; in the case of a town, the chairman of the town board and the town clerk; in the case of a city, the mayor and city clerk, and in the case of a village, the president and clerk of the village; and the term, "proper authorities" shall be held to intend and mean, in the case of a county, the county board of supervisors; in the case of a town, the town board of supervisors; in the case of a city, the common council, and in the case of a village, the board of trustees or other local governmental board by whatever name it may be called, which is clothed with the power to levy taxes; and any and all bonds issued under this act by any county, town, city or village, shall be officially signed by the proper officers thereof as aforesaid; and in the case of a town there shall be added the certificate of the clerk of the board of supervisors of the county in which the town is situated, under the seal of the county, that the town officers subscribing the bonds are in fact such officers, and that their signatures thereto are genuine.

County, town, etc., to be severally liable for payment of bonds, and shall levy tax therefor.

SECTION 6. Every county, town, city or village which, by the provisions of this act, is authorized to issue any bonds, shall be severally liable in law, faithfully, promptly and at maturity, to pay and discharge the principal and interest upon every such bond issued by it, and the separate faith of every such county, town, city or village shall by the issue of such bond or bonds, be irrevocably pledged to the prompt discharge of every such liability; and every such county, town, city or village shall annually levy and collect a tax on all its taxable property, for the payment of all moneys to fall due upon such bonds, whether for interest or principal, (in addition to all other taxes) and the money so raised shall be kept as a separate fund and strictly applied to that purpose; and it may in the dis-

cretion of its proper authorities, raise a greater sum in any one year than is needed to pay what falls due in that year, and apply the same to the purchase and discharge of such bonds, at the lowest practicable rate or price.

May appoint agent to represent them at meetings of stockholders.

SECTION 7. The proper authorities of any such county, town, city or village may appoint an agent who shall vote at all meetings of stockholders of said company for the election of officers or otherwise, on all the stock of such county, town, city or village, as the case may be, on which there is no default in payment of the subscription for such stock, or of the interest on the bonds given for such stock, but not on any stock if any such default exist on the part of such county, town, city or village, as the case may be.

Shares and dividends pledged for payment of principal and interest of bonds.

SECTION 8. All shares of stock in said company so taken by such counties, towns, cities or villages, and all dividends earned upon the same, are pledged and shall stand as a security for the payment of the principal and interest of the county, town, city or village bonds, if any given therefor, and the certificates of such stock shall contain or have endorsed thereon a statement or notice to that effect; and no such stock shall be sold or transferred by such county, town, city or village for less than par, principal and interest, without the consent of said company, and if it be sold at par, the proceeds of sale shall be wholly and strictly devoted to the payment or purchase of the bonds so given for the same, until such bonds are all paid or taken up and canceled.

Counties, towns, etc., may entertain two or more propositions.

SECTION 9. Any county, town, city or village such as are mentioned in section one of this act, may receive, entertain and hold an election upon two or more propositions such as are referred to in section two of this act, until one such proposition shall have been accepted, acted on and carried out by taking stock and paying or securing payment for the same by bonds, pursuant to this act and to such proposition, but only one such proposition shall be so accepted and carried out by the same county, town, city or village; and when any such county, town, city or village shall have made one such entire issue of bonds to said company, so fully carrying out but one such proposition, it shall issue no more to the same company under this act.

Location of railroad not to be changed after money or bonds have been exchanged for stock.

SECTION 10. After any such county, town, city or village shall have paid money or given bonds for stock to said company, as permitted by this act, said company shall not materially change or alter the location of that part of its road which lies within the limits of said county, town, city or village, as the case may be, without the consent of the proper authorites of such county, town, city or village, until the company shall have paid or tendered back all the moneys with interest, and all the bonds so received from that county, town, city or village; but after such payment or tender, it may alter such location at any time before that part of the road shall have been actually built, and upon such payment or tender by the company before such part is built, in any case, the stock taken by the county, town, city or village, as the case may be, shall be given up and canceled, and shall be void.

Public act.

SECTION 11. This act is hereby declared to be a public act, and the secretary of state shall immediately cause the same to be published, and the same shall be in force from and after its passage and publication, and shall be liberally construed to promote the purposes thereof.

Approved March 16, 1870.

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## CHAPTER 123.

[*Published April 4, 1870.*]

**AN ACT relating to the guardianship of minors in certain cases.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Not disqualified by coverture.

SECTION 1. No married woman shall be disqualified by coverture to be appointed or to act as general guardian of her own children by a former husband, and actions may be maintained upon any bond of such guardian who has heretofore been appointed or who may hereafter be appointed guardian in the same manner and with the same effect as upon the bonds of other

guardians, in proper cases, whether such bond is given before or after the passage of this act.

SECTION 2. Every such guardian may prosecute and defend in all necessary actions in her representative capacity, as other guardians may, except in cases in which her husband is a party adversely interested; and in such cases the judge of the county court of the county in which the action is brought may appoint when necessary, a special guardian for the minor or minors interested, who shall give a bond to such minor or minors, to be approved by such judge, conditional to faithfully represent the interests of such minor or minors in the action, and to settle his accounts as provided in subdivision four of section eight of chapter one hundred and twelve of the revised statutes of Wisconsin, and such action shall be prosecuted or defended in the name of the special guardian so appointed; or in any proper case such action may be prosecuted by the next friend or defended by a guardian *ad litem* in the same manner as if said minor or minors had no general guardian. May prosecute and defend.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1870.

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## CHAPTER 124.

[*Published March* 23, 1870.]

**AN ACT to further provide for the publication of the decisions of the supreme court.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The supreme court reporter or such other person learned in the law as the judges of the supreme court may designate, is hereby authorized and directed to cause to be published, the decisions and opinions of the supreme court of the late territory of Wisconsin, and the provisions of an act to provide for stereotyping the reports of the decisions of the supreme May cause reports to be published.

court, approved March 8, 1869, are hereby extended and made applicable to the same as to the manner of their publication, the number of copies to be furnished the state, and the price to be paid therefor.

SECTION 2. This act shall be in force from and after its passage.

Approved March 17, 1870.

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## CHAPTER 125.

[*Published March* 25, 1870.]

AN ACT to amend section one, chapter 164, general laws of 1869, entitled "an act to amend chapter 130, general laws of 1868, entitled 'an act to provide for the assessment of property for taxation and the levy of taxes thereon.'"

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

SECTION 1. Section 1, chapter 164 of the general laws of 1869, entitled "an act to amend chapter 130 of the general laws of 1868, entitled 'an act to provide for the assessment of property for taxation and the levy of taxes thereon,'" is hereby amended by inserting in the 5th line, from the end of said section, after the word, "benefit," the words, "and in case of a chartered college or university:" *provided*, the lands are reserved for grounds of the institution, not exceeding forty acres.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1870.

# CHAPTER 126.

[*Published March* 24, 1870.

AN ACT to define the meaning of the term "fire department."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

"Fire department" defined.

SECTION 1. The term, "fire department," as used in section one, chapter 65 of the revised statutes, 1858, shall be construed to mean a fire department consisting of at least one fire company, consisting of not less than thirty members, and one hook and ladder company, consisting of not less than fifteen members, which shall be organized as provided for in chapter 176 of the general laws of 1861, entitled an act to incorporate fire companies, and shall have at least one good fire engine, with not less than five hundred feet of sound rubber or leather hose, which shall be kept in an engine house, and to be fit and ready at all times for actual service, and any fire department so equipped and organized as hereinbefore described, and meeting at least once a month, and none other, shall be entitled to the benefits granted by section one, chapter 65 of the revised statutes, 1858: *provided, however*, that nothing in this act shall be construed as relating to the fire departments of the cities of Milwaukee, Fond du Lac, La Crosse, Janesville, Madison and Oshkosh.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1870.

## CHAPTER 127.

[*Published March* 24, 1870.]

AN ACT to fix the time of holding the January term of the circuit court for Brown county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Term fixed.

SECTION 1. The January term of the circuit court in and for the county of Brown, Wisconsin, shall commence on the third Monday of January in each year, instead of the second Monday in January, as now provided by law.

Repealed.

SECTION 2. All acts or parts of acts contravening the provisions of this act are hereby repealed so far as they affect the provisions of this act, and no further.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1870.

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## CHAPTER 128.

[*Published March* 24, 1870.]

AN ACT to require cities to make their annual school reports direct to the state superintendent of public instruction.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Shall make annual report.

SECTION 1. Each city of this state which is not under the jurisdiction of a county superintendent, in the matter of supervision of schools and examination of teachers, shall hereafter make the annual report required by sections 43, 57 and 139 of chapter 155 of the general laws of 1863, direct to the state superintendent of public instruction, instead of to the county superintendent.

SECTION 2. In all cities having a superintendent of schools, said superintendent shall make the report as aforesaid, and in cities having no superintendent of schools, the report shall be made by the clerk of the board of education. Superintendent shall make report.

SECTION 3. The state superintendent shall furnish suitable blanks on which to make the reports, and no school moneys shall be apportioned to any city for any year for which the report shall not show that the number of children residing therein between the ages of four and twenty years, has been ascertained by an actual census taken by the city superintendent of schools, the clerk of the board of education, or some person or persons authorized to take such census by the aforesaid officers or other authorities of said city. State superintendent shall furnish blanks.

SECTION 4. All acts and parts of acts conflicting with the provisions of this act are hereby repealed. Repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1870.

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## CHAPTER 129.

[*Published March 24*, 1870.]

AN ACT to provide a lien upon bricks in Brown county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Every person or persons who shall have performed any work, labor or services in, upon and about the manufacture of bricks in any brickyard in the county of Brown in this state, shall be entitled to a lien upon the bricks on which he or they shall have performed said work, labor and services, for the amount due him or them for said work or labor. Entitled to lien.

SECTION 2. The manner of enforcing the said lien shall be the same as prescribed in chapter 154 of the general laws of this state for the year 1862, relating to liens for labor on logs and lumber. How enforced.

Jurisdiction.

SECTION 3. Justices of the peace shall have jurisdiction when the amount claimed shall not exceed one hundred dollars.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1870.

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## CHAPTER 130.

[*Published March 25, 1870.*]

AN ACT to amend section one of chapter 150 of the general laws of 1868, entitled "an act relating to the collection of taxes."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Amended.

Shall return list of taxes.

SECTION 1. Section one of chapter 150 of the general laws of 1868, is hereby amended so that it shall read as follows: It shall be the duty of the clerk of the board of supervisors, on or before the first day of July of each year, to return to the clerks of the several towns, cities and villages in their respective counties, a list of taxes remaining unpaid upon any tract of land in their respective towns, cities or villages for the preceding year, and the town, city or village assessment roll shall be made to show opposite each tract of land therein assessed, and under the head of "taxes unpaid for previous years," the year or years for which such tax remains unpaid, and all county, town, city or village treasurers in giving receipts for taxes paid upon any tract of land, shall, under the head of "taxes unpaid for previous years," enter in such receipt opposite the said tract, the year or years for which such unpaid tax is due on the tract of land thus receipted for.

SECTION 2. This act shall take effect from and after its passage.

Approved March 17, 1870.

## CHAPTER 131.

[*Published March* 26, 1870.]

AN ACT to amend chapter 112 of the revised statute, entitled "of guardians and wards."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section seventeen of chapter one hundred and twelve of the revised statutes, is hereby so amended as to read as follows: Section 17. When any person, by excessive drinking, shall be unable to attend to business, or shall be lost to self control, and thereby shall greatly endanger his health, life or property, or shall be an unsafe person to remain at large, or shall by gaming, idleness or debauchery of any kind, so spend, waste or lessen his estate, as to expose himself or his family to danger of want or suffering, or the town to charge or expense for the support of himself or his family, any friend or relative of such person, or any one or more of the supervisors or justices of the peace of the town of which such person is an inhabitant, or in which he resides, may present a complaint to the judge of the county court, setting forth the facts and circumstances of the case, and praying to have a guardian appointed for him. The judge of the county court shall have power to authorize or direct the guardian of any such person, to commit such person to any inebriate asylum, either in or out of this state, to be designated by said judge, by order, for a term not exceeding one year: *provided*, that such judge may at any time within two months before the expiration of the term for which such person is so committed, upon new evidence taken in the case, by order, extend the term for which such person is so committed, not exceeding one year; the whole term of such commitment in no case to exceed two years in all.

Amended.

May petition for appointment of guardian.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1870.

## CHAPTER 132.

[*Published March* 24, 1870.]

**AN ACT to authorize the secretary of state to audit certain accounts and to appropriate money for the payment thereof.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**May audit accounts.**

SECTION 1. The secretary of state is hereby authorized to audit the account of the postmaster of the city of Madison for newspapers received by the members of the legislature.

**Appropriation.**

SECTION 2. There is hereby annually appropriated a sum of money sufficient to pay the said account as provided in this act.

SECTION 3. This act shall be in force and take effect from and after its passage.

Approved March 17, 1870.

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## CHAPTER 133.

[*Published March* 26, 1870.]

**AN ACT relating to homesteads and amendatory of section 1, chapter 145, revised statutes.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Amended.**

SECTION 1. Section 1 of chapter 145 of the revised statutes, entitled "of actions for the foreclosure of a mortgage," is hereby amended by adding thereto the following words: "and if any portion of the mortgaged premises shall consist of a homestead, it shall be the duty of the court in such manner as it shall direct, to ascertain whether the part of said mortgaged premises not included in the homestead can be sold separately without injury to the owner, and if the

**Homestead not to be sold until other property is sold.**

court shall so find, then in that case the judgment shall provide that the homestead shall not be sold nor offered for sale until all other lands covered by the mortgage and described in the complaint in such action shall have been offered and sold. And if any portion of the mortgaged premises shall consist of a homestead, such portion shall not be offered for sale until all other lands covered by the mortgage and described in the complaint in the foreclosure action shall have been offered and sold."

SECTION 2. This act shall take effect from and after its passage.

Approved March 16, 1870.

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## CHAPTER 134.

[*Published March* 25, 1870.]

AN ACT to amend chapter 145 of the general laws of 1867, entitled "an act to amend section 12 of chapter 22 of the general laws of 1859, entitled 'an act relative to the sale of lands for unpaid taxes, and the conveyance and redemption thereof'"

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section one of chapter 145 of the general laws of 1867, is hereby amended by addding to said section the following words: "*provided*, that in all cases where money is received by the clerk of the board of supervisors for the redemption or sale of tax certificates belonging to the county, the said clerk shall at the end of each month, pay over all such moneys to the county treasurer, taking his receipt for the same." Amended.

SECTION 2. Any clerk of the board of supervisors in this state who shall fail or refuse to comply with section one of this chapter, shall be prosecuted by the county treasurer within ten days of such refusal. May be prosecuted.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 16, 1870.

## CHAPTER 135.

[*Published March 24, 1870.*]

**AN ACT to detach a certain district of country from the county of Milwaukee and to annex the same to the county of Waukesha.**

*The people of the state of Wisconsin, represented in senate and assembly do enact as follows:*

ched.

SECTION 1. All that certain district of country which is now a part of the county of Milwaukee, but not embraced within the limits of the city of Milwaukee, composed of the towns of Milwaukee, Granville, Wauwatosa, Greenfield, Franklin, Oak Creek and Lake, from and after the 16th day of April, A. D. 1870, shall upon the conditions hereinafter provided, be detached from the county of Milwaukee and annexed to and made a part of the county of Waukesha, and shall thereupon share equally with all other parts thereof, all the rights, powers, privileges and immunities, and shall equally with all other parts thereof be subject to all the burdens, duties and obligations of the county of Waukesha.

How settlement adjusted.

SECTION 2. All matters relating to the county property, or to the county debts, contracts and liabilities of the county of Milwaukee, shall be adjusted and settled as follows, to wit: All property belonging to the county of Milwaukee, including the court house property and the house of correction property, so called, within the city of Milwaukee, and the poor house farm property, so called, in the town of Wauwatosa, and any and all other property whatsoever, real or personal, in or to which the county of Milwaukee has any right, title or interest whatsoever, shall continue to belong entirely to the county of Milwaukee, as the same shall be after the proposed division of the county shall have been made, and any and all debts, duties, contracts and obligations of the county of Milwaukee shall be borne, performed and paid wholly by the county of Milwaukee as it shall be after such divison shall have been made, and the towns so detached from the last named county, and the people thereof, shall be

freed and discharged of and from any and all liabilities therefor, except it be in the case and in the manner hereinafter provided.

SECTION 3. The supervisors of the county of Milwaukee, together with the chairman of the board of supervisors of each of the towns hereby detached from the said county of Milwaukee, shall constitute a board to adjust and settle all matters relating to the county property and the county debts, contracts and liabilities between the county of Milwaukee, as it shall exist after the division contemplated by this act, and that portion of the county detached therefrom by this act. And for the purpose of making such settlement and adjustment, the said board shall meet at the court house of the county of Milwaukee, in the city of Milwaukee, on the 24th day of April A. D. 1870, at ten o'clock in the forenoon, and proceed to make the adjustment required to be made by this act. In making the adjustment the board shall take into account the value of all property real and personal, now owned by or in, or to which the said county of Milwaukee has any right, title or claim whatsoever, and according to their best judgment, and the facts and evidence relating thereto which they may be able to obtain, establish and determine the true value thereof. They shall then proceed to determine the value of the proportion of such property which properly and equitably belongs to that portion of the county of Milwaukee hereby detached from said county, and to each of said towns, separately, and for that purpose, and as a basis for determining such proportion, the said board shall use the assessment of the several towns and wards of the said county of Milwaukee for the year 1869, as equalized by the county board of said county, for the purpose of apportioning state and county taxes. The said board shall inquire into and ascertain the total amount of the indebtedness and liabilities of the said county of Milwaukee as it now exists, due or to become due, and proceed to determine the proportion of such indebtedness and liabilities properly and equitably belonging to that portion of the said county detached therefrom by this act, and to each town separately; and in determining the proportion of such indebtedness and liabilities properly chargeable to such detached portion of said county, the same basis shall be

Board of adjustment.

When meet.

How determine settlement.

used as is required by this act to be used in determining the value of the proportion of the county property belonging to said detached portion of said county. After having determined the proper and true proportion of the value of the county property belonging to that portion of the said county of Milwaukee detached therefrom by this act, and the proper and true proportion of all the indebtedness of and liabilities of the said county of Milwaukee, which the portion of said county detached therefrom by this act is justly and truly liable, the said board shall determine, by comparison of the two amounts thus ascertained and determined in the manner aforesaid, the amount if any, which the said county of Milwaukee as existing after the division herein provided for, ought equitably and justly to pay to the said portion of said original county of Milwaukee hereby detached therefrom, by reason of retaining the county property, and the amount if any, which said detached portion of said county ought equitably and justly to pay to the said county of Milwaukee, as existing after the division herein provided for, by reason of being discharged and freed of and from any and all indebtedness and liabilities of the original county of Milwaukee. And the settlement and adjustment herein authorized to be made between the portions of the county of Milwaukee provided to be separated one from the other shall be legal and binding upon each unless dissented from as hereinafter provided. In case no dissent is made from the settlement and adjustment, then each and all of the seven towns hereinbefore mentioned, and the county of Milwaukee as existing after the division, may issue bonds in payment of the amount agreed upon as equitably and justly due from either to the other, according to the settlement and adjustment thus made, in the same manner as is hereinafter provided in case of dissent by either party, and a settlement and adjustment by commissioners appointed by the governor.

Settlement shall be legal and binding.

If either party dissent, how proceed.

SECTION 4. If either a majority of the board which represents that part of the county of Milwaukee which lies within the city of Milwaukee, on the one hand, or a majority of the board which represents the towns so proposed to be detached and separated from that county, on the other hand, shall dissent from the

adjustment between them of all matters relating to the county property, and the county debts, contracts and liabilities provided and made in and by the second section of this act, then on or before the 14th day of May, A. D. 1870, the party so dissenting shall express such dissent, as follows or shall be forever estopped and barred from making such objection to said adjustment, to wit: the majority of the board of the supervisors of that part of the county of Milwaukee which is within the limits of said city, on the one hand, or a majority of the supervisors of the towns so proposed to be detached, on the other hand, as the case may be, shall make and sign a statement in writing, expressing such dissent, and asking for an adjustment by commissioners in the mode hereinafter provided, and file the same in the office of the clerk of the board of supervisors of Milwaukee county, on or before the first day of May, A. D. 1870, whereupon the said clerk shall send a certified copy of the statement so filed with him, to the governor of the state, and thereupon the governor shall appoint three commissioners, who shall be disinterested men of approved discretion, and not residents of either Milwaukee or Waukesha county, who shall take, subscribe and file with said clerk, an oath faithfully and impartially to perform the duties of such commissioners to the best of their ability, and shall with all convenient speed, meet in the city of Milwaukee, and examine and ascertain the value of the said county property, and also examine and ascertain the extent of the said county debts and liabilities, in the manner prescribed in this act for the board mentioned in section three of this act, to proceed and make and file with said clerk a report in writing, giving the result of such examination and valuation, and giving also a statement separately of the aggregate valuation of the real and personal property subject to taxation in said seven towns so proposed to be detached, and the aggregate valuation of the real and personal property subject to taxation in that part of the county within said city of Milwaukee, according to the assessment thereof in and for the year 1869, as equalized for the purposes of taxation for that year, amount of said county debts and liabilities that would be charged upon that part of the county within the city, and upon the said

Shall report and make statement

## CHAPTER 136.

[*Published March* 24, 1870.]

AN ACT to further provide for deficiencies in the law department of the state library.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Repealed.

SECTION 1. So much of the second section of chapter 68, general laws of 1868, as provides that the authority conferred by said act on the governor and the secretary of state, shall cease and determine at the end of two years from the passage thereof is hereby repealed; and said act, as thus amended, is hereby revived and continued in force for two years.

Appropriation.

SECTION 2. There is hereby appropriated from any money in the state treasury not otherwise appropriated, an amount sufficient to pay the expenditures authorized by said chapter 68, general laws of 1868, as amended by this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1870.

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## CHAPTER 137.

[*Published March* 24, 1870.]

AN ACT to provide for the survey of the lead district, making maps and collecting statistics and specimens from the same.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Shall appoint commissioners.

SECTION 1. The governor is hereby authorized and required, on or before the first day of April, A. D. 1870, to appoint one commissioner, whose duty it shall be to proceed at once to make a thorough and com-

plete survey of all the district of country situated within the state of Wisconsin, known as the "lead mines," noting its topographical features upon township maps drawn upon a scale of not less than two inches to the mile, designating accurately the location, course and continuance so far as they shall have been worked, of all known mineral veins and deposits, by reference to base, meridian and section lines; to collect statistics of and report the amount of lead and zinc ores obtained from each mine as near as the same can be ascertained, and to collect, classify and forward to the Wisconsin Academy of Sciences, Arts and Letters all specimens of minerals, rocks and fossils that he may be able to obtain.

His employes.

SECTION 2. Said commissioner shall have authority to employ one surveyor, two chain-men and one ax-man to assist him in the field labor designated in section one of this act.

Compensation.

SECTION 3. Said commissioner shall receive a compensation of six dollars per day for each and every day necessarily employed in the discharge of his duties under this act; the surveyor shall receive five dollars per day, and each chain-man and ax-man shall receive two dollars per day, to be paid out of the state treasury upon the warrant of the secretary of state, who shall audit the monthly accounts of the said commissioner, and a sufficient amount of money is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to pay the same.

Secretary of state to furnish copy of field notes.

SECTION 4. It is hereby made the duty of the secretary of state to furnish said commissioner with a copy of the original field notes of the United States survey of said district, and diagrams or copies of the township plats comprising said district.

Commissioner shall take oath.

SECTION 5. Said commissioner shall take and subscribe an oath or affirmation, to support the constitution of the United States and of this state, and that he will to the best of his ability, discharge his duties under this act according to law, and file the same, together with an obligation with two or more sureties in the penal sum of five thousand dollars, to be approved by the governor, in the office of the governor of the state, conditioned for the faithful performance of his duties.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved March 16, 1870.

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## CHAPTER 138.

[*Published April* 4, 1870.]

AN ACT for the destruction of lynxes, wolves and wild cats.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Bounty for wolf or lynx.

SECTION 1. That any person who shall kill any wolf or lynx within this state, shall be entitled to receive a compensation or reward for such wolf or lynx so killed, the sum of five dollars.

For wild cat.

SECTION 2. That any person who shall kill any wild cat within this state, shall be entitled to receive a compensation or reward for each wild cat so killed, the sum of three dollars.

How prove fact of killing.

SECTION 3. Any person claiming such reward, shall produce the scalp of the wolf, lynx or wild cat so killed, with the ears entire, to the clerk of the board of supervisors of the county within which such wolf, lynx or wild cat shall have been killed, and such clerk shall administer to the person producing such scalp, the following oath or affirmation: "You do solemnly swear (or affirm, as the case may be) that the scalp now produced by you is the scalp of a wolf (lynx or wild cat, as the case may be) taken in the county of (naming the county) by you, within thirty days last past, and that you have not spared the life of any wolf, lynx or wild cat within your power to kill." Which oath or affirmation shall be taken by the clerk in writing, and subscribed by the person producing the scalp.

Duty of clerk of board.

SECTION 4. The clerk before whom such oath or affirmation is made, after causing the scalp to be destroyed in his presence, shall file the deposition so taken in his office, and shall enter in a book to be kept by him for that purpose, the date, number and amount

of all accounts certified by him to the secretary of state, in conformity with the provisions of this act, and he shall annually, on or before the first day of May in each year, make out and transmit to the secretary of state, an exhibit of all accounts so certified to by him.

Secretary of state shall draw warrant.

SECTION 5. The secretary of state, upon presentation of any accounts for the killing of any wolf, lynx or wild cat, as provided in section four of this act, duly certified to according to law, with the certificate of the clerk, under seal, who shall have destroyed the scalps and administered the oath as provided in section three of this act, certifying that the provisions of this act have been fully complied with, shall audit the same and draw his warrant on the state treasurer for the amount; and there is hereby annually appropriated, out of any money in the treasury not otherwise appropriated, a sum of money sufficient to carry into effect the provisions of sections one and two of this act.

Penalty for false representations.

SECTION 6. If any person shall be guilty of obtaining from the clerk of the board of supervisors of any county in this state, any such certificate as herein before provided for, by any false or fraudulent representations or practices, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the state prison not less than one year nor more than three years, and shall forfeit all right to receive any benefit from the provisions of this act for the future.

Penalty for making false certificate.

SECTION 7. If any clerk of the board of supervisors of any county in this state, who shall be applied to for a certificate under the provisions of the preceding section of this act, shall wilfully or knowingly give a false certificate, such clerk shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the state prison not less than one year nor more than three years.

How construed.

SECTION 8. This act shall not be construed to interfere with or contravene the provisions of any law now in force in [this] state, allowing counties to pay bounties for the destruction of wolves, lynxes or wild cats.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1870.

## CHAPTER 189.

[*Published April* 4, 1870.]

AN ACT relating to the sale of lands of minors by guardians under an order of court.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

When sale valid

SECTION 1. In all cases where any lands of any minor or minors have heretofore been sold or attempted to be sold by the guardian of such minors or minor in pursuance of any order of any court under chapter ninety-three of the revised statutes of 1858, or the corresponding chapter sixty-four of the revised statutes of 1849, and the bond required by section thirteen of said respective chapters, had been given by such guardian before such sale or attempted sale took place, and such guardian had at any time before such sale or attempted sale taken and subscribed an oath as required by section fourteen of said respective chapters, and the purchaser on such sale or attempted sale had paid to such guardian the purchase price in good faith, the said sale shall be and the same is hereby declared to be valid and effectual to pass the title to such lands to such purchasers, the same as though such oath had been taken and subscribed before fixing on the time and place of sale as required by said section fourteen.

Application of act.

SECTION 2. This act shall apply to all sales which have heretofore been made, and the same shall take effect and be in force from and after its passage and publication.

When action must be brought.

SECTION 3. No action shall be maintained to test the validity of any such sale, unless the same is brought within thirty days after this act shall go into effect.

Amended.

SECTION 4. Section 14 of chapter 93 of the revised statutes entitled "of the sale of lands of minors and other persons under guardianship, and securing the proceeds for their use" is hereby amended so as to read as follows: Section 4. Such guardian shall also before the time of sale, take and subscribe an oath in substance like that required in the succeeding chapter to be taken

by an executor, administrator or guardian when licensed to sell real estate pursuant to the provisions of that chapter.

Approved March 17, 1870.

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## CHAPTER 140.

[*Published April* 4, 1870.]

AN ACT in relation to depositions.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. No deposition which has been once read on the trial of the cause in which the same was taken, shall be suppressed or excluded, when offered in evidence in the same cause on a re-trial thereof, for any error, irregularity or defect in the manner of taking or returning the same, unless such irregularity or defect shall have been made the subject matter of an objection at such former trial, or unless such irregularity or defect shall not appear upon the face of such deposition, and shall have been discovered since such former trial. Not to be excluded.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1870.

# CHAPTER 141.

[*Published March* 24, 1870.]

**AN ACT relating to the duty of the superintendent of public property.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**May furnish stationery to state prison commissioner.**

SECTION 1. The superintendent of public property is hereby authorized and directed to give out all necessary stationery for the use of the office of the state prison commissioner, upon the order of the state prison commissioner or his deputy, and for the use of the office of superintendent of public property; and the said superintendent of public property shall open a separate account with the state prison commissioner and superintendent of public property, for all stationery so furnished, and in all reports required of him to be made, shall include the amount of stationery furnished in accordance with the provisions of this act, in the same manner as he is now required by law to keep accounts with and report amounts furnished for the use of the offices of other state officers.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1870.

## CHAPTER 142.

[*Published March* 24, 1870.]

**AN ACT in relation to certain tax deeds issued on lands sold for taxes in Marathon county in the years 1863 and 1864.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Each and every tax deed executed and issued by the clerk of the county board of supervisors of Marathon county, in the form prescribed by law, upon or on account of the sale and non-redemption of any tract or tracts of land in said county, by the county treasurer of said county, at the annual tax sales in said county for the years 1863 and 1864, shall be *prima facie* evidence of the regularity of all the proceedings from the valuation of the land by the assessor inclusive up to the execution of the deed, and no such deed shall be held to be impeached, impaired or its effect as aforesaid destroyed by reason of its being made to appear that defective proof of the posting and publication of the notice of any such tax sale has been filed in the proper office, nor by showing that no proof whatever was filed or is to be found in the proper office, of the posting and publication of the notice of said sales, or either of them. **Tax deed evidence of regularity of sale.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1870.

## CHAPTER 143.

[*Published March 22, 1870.*

**AN ACT to prescribe the time for holding the terms of the circuit court for the county of Adams, in the seventh judicial circuit.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Terms fixed.

SECTION 1. From and after the first day of July, A. D. 1870, the general terms of the circuit court in and for the county of Adams in the seventh judicial circuit in this state shall be held on the third Monday in October and the third Monday in March, in each year.

Not to change return of process.

SECTION 2. All writs, summons, process, indictments, recognizances and other proceedings, made returnable to the terms now fixed by law, shall be deemed and considered returnable to the terms as the same are prescribed by this act; and all adjournments, continuances, motions and notices of proceedings in the said court, made or taken to any term subsequent to the date when this act shall take effect, shall be held and taken for the time herein provided for the holding of the terms of said court.

Repealed.

SECTION 3. All acts or parts of any act, so far as they relate to the holding of the terms of the circuit court in said Adams county, and contravene the provisions of this act, are for the purposes of this act, hereby repealed: *provided*, this act shall not affect the time for holding the terms of the circuit court in any other county as now fixed by law.

SECTION 4. This act shall take effect and be in force from and after the 15th day of June, A. D. 1870.

Approved March 16, 1870.

# CHAPTER 144.

[*Published March 24, 1870.*]

**AN ACT to amend section four of chapter 130 of the general laws of 1868, entitled "an act to provide for the assessment of property for taxation (*of property*) and the levy of taxes thereon."**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section four of chapter one hundred and thirty of the general laws of 1868, is hereby amended so as to read as follows: Section 4. The members of the state senate in conjunction with the secretary of state, shall form a board of assessors. Said board shall meet at the capitol, in the city of Madison, on the third Wednesday in May, 1870, and bienially thereafter. The secretary of state shall perform [prepare] and lay before said board, the latest statistics of population, local valuation of property, and such other statistical information as he may be able to obtain in relation to the several counties in the state, as in his judgment will assist said board in their deliberations. The board shall carefully examine said statistics, and [from] all the sources of information accessible to them, they shall determine and assess the relative value of all the property subject to taxation in each county in the state. They shall set down in a list of all the counties aforesaid, opposite to the name of each county, the valuation thereof, so determined by them, which shall be the full value according to their best judgment. The list so prepared shall be certified by the chairman and secretary, as the state assessment made by said board, and delivered with the journal of the proceedings of the board to the secretary of state.

**Section 4 amended.**

**Board of assessors.**

SECTION 2. Section six of chapter one hundred and thirty of the general laws of 1868, is hereby amended so as to read as follows: The secretary of state shall apportion the state tax levied for the year among the several counties, and shall carry out opposite to the name of such county on the list aforesaid,

**Section 6 amended.**

**Secretary of state shall apportion tax.**

the amount of state tax apportioned thereto, according and in proportion to the relative valuation of such county to the aggregate valuation of the whole state, and shall thereupon on or before the first Monday in June in each year, certify to the clerk of the board of supervisors of each county, the amount of state tax so apportioned and levied upon his county.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 17, 1870.

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## CHAPTER 145.

[*Published April 4*, 1870.]

AN ACT to amend chapter 11 of the general laws of 1862, entitled "an act to amend section 31 of chapter 134 of the revised statutes, entitled 'of executions and proceedings supplementary thereto.'"

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

ended. SECTION 1. Section one of chapter 11 of the general laws of 1862, is hereby amended by adding to said section one at the end thereof, as follows: "but this act shall not apply to persons who have been actual residents of this state, while the family of such persons or any of them, shall be removing from one place of residence to another."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1870.

## CHAPTER 146.

[*Published March* 22, 1870.]

AN ACT to amend section 2, chapter 40 of the general laws of 1867, entitled "an act to encourage the cultivation of cranberries."

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Section two of chapter forty of the general laws of 1867, is hereby amended by striking out from the third and fourth lines, the words, "below said marsh lands," and inserting after the word, "draining" in the fifth line, the words, "watering and flooding," and inserting after the word, "from" in the sixth line the words, "or bringing it on to," so that the entire section when thus amended, shall read as follows: Section 2. It shall also be lawful for any such person or persons to dig, construct and keep open, upon, across and through any lands, all such drains and ditches as shall be or become necessary for the purpose of draining, watering or flooding and carrying off the water from or bringing it on to such marsh land, wherever it shall be desirable so to do. Amended.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 16, 1870.

## CHAPTER 147.

[*Published March* 25, 1870.]

**AN ACT requiring all city and village treasurers to return delinquent lands on which the state has any claim to the county treasurer, who shall return the same to the state treasurer.**

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Duty of city, village and county treasurers.**

SECTION 1. If the taxes on any of the state lands held on contract, or that have been mortgaged to the state for any purpose, lying within the boundaries of any city or incorporated village of this state, shall not be paid during the time required by law for the payment of taxes, the treasurer of such city or incorporated village shall return a list of such lands on which the taxes have not been paid, to the county treasurer, at the time fixed by law for town treasurers to return delinquent lands. And the county treasurer shall forward to the state treasurer a certified list of said lands in accordance with the provisions of section 68 of chapter 538 of the general laws of the year 1865; and said section is hereby made applicable to cities and villages. And so much of the charter of any city or village of this state as requires the said lands to be returned by the city or village treasurer directly to the state treasurer, is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1870.

# AMENDMENTS TO CONSTITUTION.

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**AMENDMENT to sections 5 and 9 of article 5 of the constition of the state of Wisconsin, published in accordance with the provisions of section 91 of chapter 7 of the revised statutes.**

SECTION 5. The governor shall receive during his continuance in office an annual compensation of five thousand dollars, which shall be in full for all traveling or other expenses incident to his duties.

SECTION 9. The lieutenant governor shall receive during his continuance in office an annual compensation of one thou- dollars.

STATE OF WISCONSIN } ss.
SECRETARY'S OFFICE.

I, Thomas S. Allen, secretary of state of the state of Wisconsin, do hereby certify that the foregoing amendment to sections 5 and 9 of article 5 of the constitution of the state of Wisconsin, was duly ratified and adopted by the people at a general election, held on the Tuesday succeeding the first Monday of November, 1869, as appears from the determination and certificate of the state board of canvasser, now of record in this office.

In testimony where of, I have hereunto set my hand and affixed the great seal of the state, at the capital in Madison, this 30th day of December, 1869.

[L. S.]

THOMAS S. ALLEN,
*Secretary of State.*

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**AMENLMENT to section 21 of article 4 of the constitution of the state of Wisconsin, published in accordance with the provisions of section 91 of chapter 7 of the revised statutes.**

SECTION 21. Each member of the legislature shall receive for his services three hundred and fifty dollars per annum, and

ten cents for every mile he shall travel in going to and returning from the place of the meetings of the legislature, on the most usual route. In case of an extra session of the legislature, no additional compensation shall be allowed to any member thereof, either directly or indirectly.

STATE OF WISCONSIN, } ss.
SECRETARY'S OFFICE.

I, Thomas S. Allen, secretary of state of the state of Wisconsin, do hereby certify that the foregoing amendment to section 21 of article 4 of the constitution of the state of Wisconsin, was duly ratified and adopted by the people, at a general election, held on the Tuesday succeeding the first Monday of November, 1867, as appears from the determination and certificate of the state board of canvassers, now of record in this office.

In testimony whereof, I have hereunto set my hand, and affixed the great seal of the state, at the capital in Madison, this 30th day of December, 1869.

[L. S.]

THOMAS S. ALLEN,
*Secretary of State.*

# JOINT RESOLUTIONS.

## NUMBER 1.

**JONT RESOLUTION providing for the purchase and distribution of 1,000 copies of the "Legislative Manual" year 1870.**

*Resolved by the senate, the assembly concurring*, That the superintendent of public property be directed to furnish for the use of the legislature, 1,000 copies of the Legislative Manual for 1870: *provided* they can be furnished in ten days, said manuals to be distributed as follows: ten copies to each state officer; 25 copies to the State Historical Society for distribution; 25 copies to the secretary of state for exchanges; six copies each to the chief clerks and sergeant-at-arms of the senate and asembly, and one copy to each of the clerks in the several state departments and to the principal officer of the several state institutions, and one copy to each reporter in attendance at this session, and six copies to each member of the senate and assembly: *provided further*, that the price for said manuals shall not exceed $2 00 per copy.

Approved February 10, 1870.

## NUMBER 2.

**JOINT RESOLUTION relative to American citizens confined in foreign prisons.**

WHEREAS, Many American citizens are now and have been for a long time past, confined in English prisons for the alleged crime of seeking to restore to the land of their birth her lost liberties; and

WHEREAS, These American citizens are at least entitled to our sympathy if not to the protection of this their government; therefore,

*Be it resolved by the assembly, the senate concurring:* That his excellency, the president of the United States be and is hereby requested by this legislature on behalf of the people of the state of Wisconsin, to endeavor to effect the release of such American citizens from their present confinement, and restore them to their families.

*Resolved*, That the governor of this state is hereby requested to sign a copy of this resolution and forward it to his excellency, the president of the United States.

Approved February 17, 1870.

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## NUMBER 3.

JOINT RESOLUTION, proposing an amendment to the constitution of the state, so as to authorize the abolishment of the grand jury system.

WHEREAS, The legislature of this state, at its annual session for the year 1869, proposed and adopted by a vote of a majority of the members elected to each of the two houses, an amendment to the constitution of this state in the following language:

*Resolved by the assembly, the senate concurring*, That section eight of article one of the constitution of the state of Wisconsin be amended so as to read as follows: Section 8. No person shall be held to answer for a criminal offense without due process of law, and no person for the same offense shall be put twice into jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself. All persons shall before conviction, be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended unless when in cases of rebellion or invasion the public safety may require it; therefore,

*Resolved by the senate the assembly concurring*, That the foregoing amendment to the constitution be and the same is hereby agreed to by this legislature.

Approved March 2, 1870.

## NUMBER 4.

**JOINT RESOLUTION directing the secretary of state to procure statistics, agricultural and manufacturing.**

*Resolved by the assembly the senate concurring,* That the secretary of state be and he is hereby directed to procure from the proper officers, statistics of the population of this state by towns and counties, together with such agricultural and manufacturing statistics as he may deem useful as shown by the census of 1870, and include the same in his next annual report, if time will permit, and if not included in his report as aforesaid, then to report the same to the next legislature at the opening of the session.

Approved March 2, 1870.

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## NUMBER 5.

**JOINT RESOLUTION relative to procuring [the publications of the] rolls of office of England for State Historical Society.**

*Resolved by the assembly, the senate concurring,* That Hon. J. Lathrop Motley, our American minister to Great Britain be and hereby is respectfully requested to use his kind offices in soliciting from Lord Roneilly, master of the rolls of England, a continuation and completion of the set of valuable publications of the rolls of office for the library of the State Historical Society of the state of Wisconsin, and

*Be it further resolved,* That his excellency, the governor, be requested to forward to Mr. Motley a properly certified copy of the preceding resolution.

Approved March 7, 1870.

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## NUMBER 6.

**JOINT RESOLUTION, instructing senators and members of congress to ask for further appropriations for harbors in Lake Superior.**

WHEREAS, it is now evident that railroad communication between the Mississippi river and Lake Superior in this state,

will soon increase the importance of our lake harbors, and in order to afford suitable protection and shelter for the lake marine to be employed in moving the tonnage thus created, and to afford additional facilities for the trade and commerce of Lake Superior,

*Resolved by the senate, the assembly concurring*, That our senators in congress be instructed, and our representatives requested, to procure such further appropriations as will finish the government works at the entry to the bay of Superior, in the state of Wisconsin.

*Resolved, further*, That the governor of this state be requested to forward copies of these resolutions to our senators and representatives in congress, at as early a day as practicable.

Approved March 10, 1870.

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## NUMBER 7.

**JOINT RESOLUTION providing for the distribution of safes to the several asylums of the state.**

*Resolved by the senate the assembly concurring*, That the superintendent of public property be and he is hereby instructed to distribute from the fire proof safes in the office of the late bank comptroller or others belonging to the state not necessary for use where now located, one each to the State Prison, Deaf and Dumb Institute and Insane Hospital for the purpose of the safe keeping of moneys, books, papers and so forth.

Approved March 10, 1870.

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## NUMBER 8.

**JOINT RESOLUTION endorsing the course of Hon. Matt. H. Carpenter in his expressions of sympathy for Cuban patriots.**

*Resolved by the assembly the senate concurring*, That the members of the legislature of Wisconsin participate in the sentiments of sympathy entertained by the American people for every oppressed people, in their efforts to obtain the blessings of civil liberty and self government.

*Resolved*, That in our opinion, whenever any people have entered in good faith upon a struggle against tyranny and for the inestimable rights of liberty, American law and American policy require that the general government should observe strict neutrality between the contestants, and that while it should scrupulously observe every duty it owes to established governments, it should also, (remembering our own history, and thanking God for our deliverance) abstain in act and policy from anything which might prejudice the cause of liberty or aid the interests of oppression.

*Resolved*, That the course of the Hon. Matt. H. Carpenter of Wisconsin, in the United States senate, in his expressions of sympathy for the cause of the Cuban patriots in their heroic efforts to shake off the shackles of oppression, and secure the sacred right of self government receives the endorsement of this legislature, as we believe it does that of the American people.

Approved March 11, 1870.

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## NUMBER 9.

**JOINT RESOLUTION relative to a grant of land to aid in the construction of a railroad from Madison to Portage City.**

*Resolved by the assembly, the senate concurring*, That our senators in congress be instructed and our representatives requested to lend their aid and influence in procuring an extension of the time for the completion of the railroad from Madison to Portage City until the first day of July, 1874, and procuring an amendment of the act of congress, approved June 3, 1856, so as to authorize the Madison and Portage City Railroad Company upon the completion of said road according to the provisions of said act, by and with the consent of the governor of this state, to select, subject to the approval of the secretary of the interior, from any lands of the United States in the state of Wisconsin that are now subject to sale and entry, to the same extent and quantity as mentioned and provided for in said act of congress, and to extend said grant to the state of Wisconsin for the benefit of the Madison and Portage City Railroad Company, so that the governor of the state may select from any lands of the United States in the state of Wisconsin that are subject to sale and entry, the quantity of land granted

in and by the act aforesaid, to the state of Wisconsin in aid of the construction of the railroad above mentioned, or procuring an act of congress granting to the Madison and Portage City Railroad Company out of and from any lands of the United States in the state of Wisconsin, the same number of acres as was granted by the act of congress hereinbefore mentioned, upon their complying with the terms and conditions of said act, and authorizing the governor of this state to convey such lands to said company when selected, with the same force and effect as if granted under the acts aforesaid.

Approved March 14, 1870.

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## NUMBER 10.

**JOINT RESOLUTION requesting our senators and representatives in congress to use their efforts to procure the passage of a law providing for connecting with our present postoffice facilities, a system of telegraphing.**

*Resolved by the assembly, the senate concurring,* That the senators and representatives now in congress assembled, from the state of Wisconsin be and they are hereby each of them earnestly and respectfully requested to use their most efficient efforts to procure at an early day, the passage of a law providing for connecting with and adding to the present postoffice facilities a complete system of telegraphy, so as to bring within the reach and means of the great mass of the people, this most desirable means of communication.

*Resolved,* That the governor of the state of Wisconsin be requested to transmit to each of our senators and representatives in congress, a copy of the above resolution.

Approved March 14, 1870.

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## NUMBER 11.

**JOINT RESOLUTION instructing representatives in congress to favor an amendment to the election law.**

WHEREAS, by virtue of a federal law, members of the congress of the United States are hereby required to be elected

in the several states, on the second Tuesday of October in each year, in which they are required to be elected.

WHEREAS, the constitution of this state requires a general election to be held therein annually on the Tuesday next succeeding the first Monday in November, for the election of such state and county officers as are required to be elected in any year, and,

WHEREAS, under such provision of the state constitution a general election is required to be held on the Tuesday next after the first Monday in November, in each of the years 1870 and 1871, for the election of certain of the members of the state legislature and other state and county officers, and,

WHEREAS, under a general law of this state, elections for members of congress have heretofore been held biennially on the day fixed as aforesaid for holding elections, and,

WHEREAS, the constitution of this state can only be amended after a proposal therefor has been first submitted by two consecutive legislatures, and thereafter ratified by a majority of the people of this state, and can not be accomplished before November, 1871, and,

WHEREAS, two elections, one in October and the other in November, would occasion great trouble, inconvenience and expense to the people of this state, therefore,

*Resolved by the senate, the assembly concurring*, That the congress of the United States are hereby most earnestly requested to except the state of Wisconsin until the first day of January 1871, from the operation of any law requiring the election of members of congress in the several states on a particular day.

*Resolved further*, that the governor be, and is hereby requested to forward a copy of the foregoing to each of our senators and representatives in the congress of the United States.

Approved March 17, 1870.

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## NUMBER 12.

**JOINT RESOLUTION amending section four of article four of the constitution of this state.**

WHEREAS, The congress of the United States has passed the following: A bill to establish a uniform time for holding

# MEMORIALS.

## NUMBER 1.

**MEMORIAL to congress for the re-granting of the land heretofore granted to aid in the construction of railroads from lake St. Croix to Superior and Bayfield.**

To the honorable the senate and house of representatives of the United States in congress assembled :

*The memorial of the people of Wisconsin, represented in the senate and assembly, respectfully showeth :*

That in the year 1856 a grant of public lands was made by congress to the state of Wisconsin to aid in the construction of a railroad from the St. Croix river or lake, between townships twenty-five and thirty-one, and from thence to the west end of lake Superior and to Bayfield, in said state.

That said grant embraced the odd numbered sections for six miles in width on each side of the line of said road, and the time for the completion of said road was limited to ten years from the date of said grant.

That in 1864, by an act of congress, the time for the completion of said railroad was extended four years, and also an additional grant of land consisting of the odd numbered sections in four other miles of territory on each side of the line of said railroad was made to aid in its construction.

That the state of Wisconsin has heretofore chartered two several railroad companies successively, and conferred upon them the said grant of land, upon condition of the completion of the said railroad by them respectively within the time fixed in the act of congress; but the said companies have each in turn failed to comply in any great degree with the terms of their said charters, and with the acts conferring upon them the said grants of lands, and that such delay and failure of the said companies have rendered the state of Wisconsin incapable of securing the completion of the said railroad within the time fixed by act of congress.

That as other harbors on the lakes, (many of them entirely local in their character) have been built and paid for by the government of the United States, your memorialists respectfully submit that the harbor of Milwaukee ought not to be made an exception to the general rule.

That your memorialists are informed that the city authorities of Milwaukee have forwarded to your honorable bodies a full and complete statement, accompanied by accounts, vouchers and other documents relating to the costs of constructing said harbor, and that the same are now in the hands of committee of one of your honorable bodies, having the subject matter of this memorial under consideration, to which statement and accompanying papers your memorialists respectfully beg leave to refer.

Your memorialists therefore pray, that the city of Milwaukee be reimbursed for moneys expended, and liabilities incurred in the construction of said harbor, and that your honorable bodies may pass the bill introduced for that purpose by Hon. Halbert E. Paine, member of congress from the first district of Wisconsin.

Approved January 27, 1870.

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## NUMBER 4.

**MEMORIAL to the congress of the United States in relation to an appropriation for a harbor at Port Washington, in the state of Wisconsin.**

To the honorable, the senate and house of representatives of the United States, in congress assembled:

*The memorial of the legislature of the state of Wisconsin respectfully represents:*

That the port of Port Washington, on lake Michigan is situated on the west side of the lake, about twenty five miles north from Milwaukee, and 25 miles from Sheboygan; that the exports and imports at the said port for the year 1869 have been ascertained from a careful collection of statistics, and found to have been to the amount of one million dollars, not having been one hundred thousand dollars short of the same; that such exports consist of every variety of manufactured articles; that the imports are mostly of merchandize; that the exports of wheat were about 400,000 bushels; of oats 50,000 bushels,

and rye 50,000 bushels; hay, potatoes, live stock and other farm produce were also exported to a large amount; but it is unnecessary to give details. There was also exported and imported lumber, manufactured and unmanufactured, and more flour than at any other port in the state except Milwaukee; that the only facilities for commerce at said port is a common bridge pier extending into the lake about 1200 feet; that in conquence of the want of better facilities for commerce, and some protection to vessels freighting and discharging, the loss to the producers is immense, frequently amounting to twenty cents a bushel on grain, that being often the difference in price in favor of Milwaukee; that with proper protection to vessels the commerce of said port would be at least three times what it is now, the country naturally tributary to it being 25 miles north and ten miles south, and about thirty miles east and west, a country as rich in agricultural capacity as any in the west and possessing at least three times more water power for manufacturing purposes than any other of the same extent in Wisconsin on the lake. It has also immense limestone quarries and exhaustless deposits of clay and sand for making the very best quality of brick. These deposits lie at Port Washington; that there are at least twelve grist and flouring mills within twelve miles of said port, averaging at least three run of stone each, and within the district of the country described, as many more. Also, within said district are several woolen factories in operation, five machine shops for manufacturing wood, and at least twenty saw mills; that not more than one-third of the water power in said district of country is improved, the resources of wealth therein only begun to be developed as they would be with better facilities for lake commerce; that there is better material for ship building at said port than at any other on the west side of the lake; that for all this commerce, actual and what may be and what might be, there is no protection of a harbor; that said port is the point of departure from land, in sailing from Milwaukee and Chicago to Buffalo and all lower lake ports, and where land is first made in sailing from the Manitous to Milwaukee and Chicago; that for want of harbor, several marine disasters have occurred by which lives have been lost, as during the year 1856, the propeller Toledo was lost, and twenty lives lost; also the barque Bohemian. All of said property and lives could have been saved if a harbor had been here; that your memorialists are informed and believe that with a comparatively small outlay, as per estimate of engineer, Wm. T. Casgruine, ($154,527.17) one hundred fifty-four thousand, five hundred twenty-seven 17-100 dollars,

could be made there, so as to make it safe for vessels to lie there in any storm, and thus depend upon receiving and discharging freight there at any time. There is no place on the lake where material (stone and timber) for improving can be more easily procured. The anchorage is good; see the report to the appropriate bureaus for 1838 and 1851; that the protection of the shipping on the lake as well as of human life require such improvements as the disaster to the propeller Toledo fresh in the memory of all, and to other crafts well witnesses.

Your memorialists would therefore respectfully petition congress that the requisite steps be taken to improve the commercial facilities of said port. And your memorialists, &c.

Approved January 27, 1870.

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## NUMBER 5.

**MEMORIAL to congress for a mail route from Green Bay, in the state of Wisconsin, to Wabasha, in the state of Minnesota.**

To the honorable, the senate and house of representatives of the United States, in congress assembled:

*The memorial of the legislature of the state of Wisconsin respectfully represents:*

That the citizens of Brown, Outagamie, Waupaca, Portage, Wood, Clark, Eau Claire, Dunn, Pepin and Buffalo counties in the state of Wisconsin, would be greatly accommodated by the establishment of a tri-weekly mail route from Green Bay to Eau Claire, by way of New London, Stevens Point, Neillsville and Augusta; and a daily mail route from Eau Claire, by way of Rock Falls, Luna, Durand and Nelson, to Wabasha in the state of Minnesota. The proposed route is in a westerly direction, and is about two hundred and fifty miles in length, through a region of country which is being rapidly settled and improved. The country to be supplied is constantly increasing in population and business, and your memorialists believe that the establishment of the route will both encourage the settlement of the public lands and be a source of revenue.

The governor is hereby requested to forward a copy of this memorial to each of our senators and representatives in congress.

Approved March 11, 1870.

## NUMBER 6.

**MEMORIAL of the legislature of the state of Wisconsin, asking the removal of the stray bands of Indians in this state.**

To the honorable, the senate and house of representatives of the United States, in congress assembled:

*The memorial of the legislature of the state of Wisconsin respectfully represents:*

That the interests of the residents of the northern and northwestern portions of this state as well as the interests of the stray bands of Indians therein, imperatively demand that the said stray bands of Indians be removed and located upon a reservation at or near the head waters of the Eau Plaine river, in the northern portion of the said state.

His excellency, the governor, is respectfully requested to forward to each of our members in congress at Washington, to the secretary of the interior and the commissioner of Indian affairs, a copy of this memorial.

Approved March 15, 1870.

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## NUMBER 7.

**MEMORIAL to congress for an appropriation to build a custom house and post office in the city of Green Bay.**

To the senate and house of representatives of the United States, in congress assembled:

*The memorial of the legislature of the state of Wisconsin respectfully represents:*

That the city of Green Bay and borough of Fort Howard now contain a population of nearly fifteen thousand, and are rapidly growing and improving; that their lake and river commerce now exceeds, with one exception, that of any other port in the state of Wisconsin; that the number of arrivals of vessels at the port of Green Bay, during the navigable season of 1869, including those running on the Fox river, was nearly

two thousand; that the aggregate value of imports and exports for the past year amounts to nearly forty millions of dollars, and that such imports and exports will be very greatly increased every succeeding year; that the post office at the city of Green Bay has become one of great importance, its business is rapidly increasing; that the buildings now occupied and used by the custom house and post office are inconvenient and unsafe, and that no suitable buildings can be procured in the city for these important offices.

We, therefore, respectfully and earnestly request that an appropriation of one hundred thousand dollars may be made for the construction of a building in the city of Green Bay, to be occupied by the collector of customs and postmaster, and that the custom house and post office be kept therein.

The governor of this state is hereby requested to transmit a copy of this memorial to each of the senators and representatives of this state.

Approved March 16, 1870.

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## NUMBER 8.

MEMORIAL to the postmaster general for a tri-weekly mail route from St. Paul, Ramsey county, Minnesota, to St. Croix Falls, Polk ccunty, Wisconsin, via the Mississippi and St. Croix rivers.

*The memorial of the legislature of the state of Wisconsin respectfully represents:*

That the interests of a large number of the inhabitants and business men of the St. Croix Valley require the establishment of a tri-weekly river mail route from St. Paul, Ramsey county, Minnesota, to St. Croix Falls, Polk county, Wisconsin, by the way of Hastings, Prescott, Aften, Hudson, Stillwater, Marine Mills, Osceola Mills, Taylor's Falls to St. Croix Falls, Polk county, Wisconsin.

Your memorialists would therefore respectfully ask that the aforesaid mail route be established, and that the service on said route be ordered from the fifteenth day of April to the fifteenth day of November in each year, and that said service be commenced as soon as practicable.

Approved March 17, 1870.

## NUMBER 9.

**MEMORIAL to congress, to refund to the city of Racine certain moneys advanced for the construction of the harbor at Racine.**

To the honorable the senate and the house of representatives of the United States in congress assembled:

*The memorial of the legislature of the state of Wisconsin respectfully represents to your honorable bodies:*

That the city of Racine has heretofore advanced large sums of money and incurred extensive indebtedness in and for the construction and improvement of the harbor at the mouth of Root river at said Racine; that said harbor was designed by and according to the plans of United States government engineers, and is built in a substantial and durable manner; that the port of Racine is the eastern terminus of the Western Union Railroad, and affords an outlet and inlet for the trade of a large portion of the northwest, and that its harbor is an immediate benefit and accommodation not only to the people of Wisconsin, but to other adjoining states; that said harbor is one of the safest and most commodious on Lake Michigan; is now in charge of United States government engineers, and affords shelter to a large fleet of vessels employed in the navigation of that and other lakes; that as other harbors on the lakes have been built and paid for by the government of the United States, your memorialists respectfully submit that the harbor of Racine ought not to be made an exception to the general rule; that your memorialists are informed that the city authorities of Racine have heretofore forwarded to the member of congress representing the first congressional district of Wisconsin, statements, vouchers and other documents relating to the expenditures of money by said city in the improvement and construction of said harbor, to which statements and accompanying papers your memorialists respectfully beg leave to refer.

Your memorialists therefore pray that the city of Racine be reimbursed for moneys expended and liabilities incurred in the construction and improvement of said harbor, and that your honorable bodies may pass a bill for that purpose.

Approved March 17, 1870.

## NUMBER 10.

**MEMORIAL to congress, for a mail route from the city of Manitowoc to the city of Green Bay.**

To the honorable the senate and house of representatives in congress assembled:

*Your memorialists, the legislature of the state of Wisconsin, would respectfully represent:*

That the importance of the city of Manitowoc in the county of Manitowoc, and of the city of Green Bay in the county of Brown, as well as the interest of the citizens between such places, demand increased mail facilities, and that the general interest of the section of country above described would be best served by the establishment of a mail route and a tri-weekly mail from the city of Manitowoc, via the postoffices, Francis Creek, Prag, Rosencrans and Cooperstown in Manitowoc county, and Denmark and Pine Grove in Brown county, to the city of Green Bay.

Your memorialists would respectfully pray that said mail route be established as aforesaid, at the earliest practicable period.

Approved March 17, 1870.

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## NUMBER 11.

**MEMORIAL to congress, asking for the division of the state of Wisconsin into two judicial districts, and the creation of the western judical district.**

To the honorable the senate and house of representatives of the United States in congress assembled:

*The memorial of the the senate and assembly of the state of Wisconsin respectfully represents:*

That at the present time the state of Wisconsin, with a population of upwards of one and one quarter million inhab-

itants, constantly increasing, and extending more than two hundred miles east and west, forms but one judicial district, the seat of justice of which is at the city of Milwaukee at the extreme line of the state. That the rapid increase of population in the western and northwestern parts of the state, and the consequent increase of judicial business, make it a matter of absolute necessity that a new judicial district be created more accessible to the great mass of citizens residing in the western and northwestern counties of the state, thereby greatly reducing their expenses attending court.

Your memorialists therefore pray, that the state be divided into two judicial districts by nearly a north and south line; that the counties of Rock, Dane and Columbia, and that portion of the state west of those counties and north and west of the Wisconsin river, constitute the new district to be called the western judicial district, and that a United States court house be erected at La Crosse, and that an appropriation of $50,000 for that purpose be made, and a judge for said western district with the necessary officers, as required by law, be appointed.

And your memorialists pray that a clerk's office be located at the city of Madison and also one at La Crosse, and that terms of said court be held each year at Madison, and also at La Crosse.

Your memorialists further pray, that in order to facilitate the transaction of business in the eastern judicial district, and to accommodate the people in the northeastern part of the state, a term or terms of the court in the eastern judicial district be fixed by law to be holden annually at the city of Oshkosh in said district.

The governor of the state is hereby requested to transmit a copy of this memorial to each of the senators and representatives in congress from this state.

Approved March 16, 1870.

## NUMBER 11.

**MEMORIAL to congress for a mail route from Osceola Mills to Black Brook, in Polk county.**

*The memorial of the legislature of the state of Wisconsin respectfully represents:*

That the interests of a large number of the inhabitants of the county of Polk, and state of Wisconsin, require the establishment of a weekly mail route from Osceola Mills to Black Brook, in said county, by the way of Alden and Wagon Landing.

Your memorialists therefore respectfully memorialize you to establish such route.

Approved March 16, 1870.

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## NUMBER 13.

**MEMORIAL to the post mas'er general for a weekly mail route from Menomonee in Dunn county, Wisconsin, to Erin in St. Croix county, Wisconsin, by way of New Haven and Flemings Mill, in said counties.**

*The memorial of the legislature of the state of Wisconsin respectfully represents:*

That the interests of a large number of the inhabitants of the counties of Dunn and St. Croix require the establishment of a weekly mail route from Menomonee in the county of Dunn to Erin in the the county of St. Croix, by the way of New Haven in the county of Dunn, and Flemmings Mill in the county of St. Croix.

Your memorialists therefore respectfully memorialize you to establish such route.

Approved March 17, 1870.

## NUMBER 14.

**MEMORIAL to congress relative to a grant of land to the Wisconsin Railroad Farm Mortgage Land Company.**

To the honorable the senate and house of representatives of the United States, in congress assembled:

*The memorial of the legislature of the state of Wisconsin respectfully represents:*

That by the act of June 3, 1856, there were appropriated to the state of Wisconsin certain public lands to aid in the construction of certain railroads. The legislature of that state granted the said lands to the La Crosse and Milwaukee Railroad, from Madison by way of Portage City, St. Croix lake or river, and thence to Superior, with a branch to Bayfield. The said La Crosse and Milwaukee Railroad Company proceeded to locate and plat the line of their road, and filed the plat of said location, and the commissioner of the general land office withdrew the lands within the parview of said line from market. The La Crosse and Milwaukee Railroad Company proceeded to construct sixty-one miles of the said railroad and completed the same in the year 1858, from Portage City to Tomah and then failed, and all their rights and immunities became the property of the St. Paul Railway Company. In 1868 the legislature of said state incorporated the "Wisconsin Railroad Farm Mortgage Land Company," authorizing it to take and hold the lands due the aforesaid railroad company for the construction of the said sixty-one miles of railroad, with the consent of the St. Paul Railway Company. And congress by the act of the 27th of July, 1868, authorized the said lands to be sold for the benefit of the said Wisconsin Railroad Farm Mortgage Land Company. It is now ascertained that only about forty-five sections of land unsold, reserved and unclaimed can be found within the limits of the withdrawal made by the commissioner of the general office between Portage City and Tomah. It is further understood that there is now pending in the house of representatives, bill No. 1231, providing for the selection of the balance of the sixty-one sections along the original line located by the said La Crosse and Milwaukee Railroad Company, between Tomah and St. Croix and between St. Croix and Superior and Bayfield, not in any

way interfering with any subsequent railroad or railroads. Inasmuch as the grant was made for the construction of the railroad from the points mentioned above, and inasmuch as sixty-one miles of the road have been constructed and have been in running order daily for some twelve years, and inasmuch as none of the parties interested has received any of said lands, and more especially as the railroad company interested, the state and congress have all agreed that the said Farm Mortgage Company should have the lands for the said sixty-one miles of railroad, we request your honorable body to pass the said bill.

Approved March 17, 1870.

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## NUMBER 15.

**MEMORIAL to congress relating to bounties to honorably discharged soldiers.**

WHEREAS, great injustice has been done to the volunteers who entered the service from April 19, 1861, to December 23, 1863, by not giving them an equal amount of bounty with those who enlisted at a later period; and,

WHEREAS, we owe all we have and are to those men; and,

WHEREAS, such an unjust discrimination will prevent enlistments in case of another war; therefore,

*Be it resolved by the senate and assembly of the state of Wisconsin,* That our senators be instructed and our representatives in congress be requested to vote for a law which will equalize the bounties so that all honorably discharged soldiers shall receive, with what has heretofore been given, an amount equal to eight and a third dollars per month for their term of service.

*Resolved,* That the governor be requested to forward a copy of this memorial to our senators and representatives in congress.

Approved March 16, 1870.

STATE OF WISCONSIN, } ss.
SECRETARY'S OFFICE. }

The secretary of state of the state of Wisconsin does hereby certify, that the laws, joint resolutions and memorials published in this book have been compared with the originals deposited in this office, and that they appear to be correctly printed.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the state, at the capitol, in Mad-
[L. S.] ison, this third day of May, A. D. 1870.

LL. BREESE,
*Secretary of State.*

# LIST OF APPROPRIATIONS.

| *Date.* | *No.* | *To whom and for what appropriated.* | *Amount.* |
|---|---|---|---|
| Feb. 9 | 1 | I. W. Fisher, H. S. Town, H. H. Gray, Nathan Brick, J. M. Bingham, T. A. Jackson, U. D. Mihills, S. A. Pease, Theodore Rodolf, visiting commitee of charitable institutions, each $100 | $900 00 |
| Feb. 25 | 2 | C. S. Rankin & Co., additional expense of capitol dome | 5,000 00 |
| Feb. 25 | 3 | State Hospital for Insane, for buildings, lands, repairs and current expenses | 99,450 00 |
| Feb. 26 | 4 | State Reform School, for building, repairs and current expenses | 32,000 00 |
| Mar. 7 | 5 | S. W. Pierce, expenses of contesting election against O. B. Lapham | 65 48 |
| Mar. 10 | 6 | A. J. Turner, for 1000 copies of legislative manual | 2,000 00 |
| Mar. 11 | 7 | John W. Robson, for loss of arm in service of the state | 300 00 |
| Mar. 12 | 8 | Luther Basford, H. G. H. Reed and I. W. Fisher, committee to examine accounts of state pris- commissioner, and Samuel D. Burchard, Bennet U. Strong, George G. Swain, James E. Kennedy and S. A. Pease, expenses of visiting Portage City, each $25 | 200 00 |
| Mar. 14 | 9 | L. B. Hills and E. W. Young, chief clerks of senate and assembly, for services in organizing legislature and indexing journals, to Hills, | |
| Mar. 15 | 10 | $500; to Young, $525 | 1,025 00 |
| Mar. 15 | 11 | Superintendent of public property, for stationery for state | 10,000 00 |
| Mar. 15 | 12 | State Prison, for building, repairs and current expenses | 40,000 00 |
| Mar. 15 | 13 | Institute for the Blind, for buildings, repairs and current expenses | 47,800 00 |
| Mar. 15 | 14 | George S. Graves, A. G. Kellum and Wm. P. Lynde, committee to investigate condition of Deaf and Dumb Institute, each $150 | 450 00 |
| Mar. 15 | 15 | L. F. Kellogg, clerk Supreme Court, for fees | 114 25 |
| Mar. 16 | 16 | D. K. Tenney, services to committee on assessment of taxes | 150 00 |
| Mar. 16 | 17 | Committee to investigate affairs of Deaf and Dumb Institute | 175 00 |
| Mar. 16 | 18 | For printing governor's message in foreign languages | 690 00 |
| Mar. 16 | 19 | Lizzie Tucker, widow of Capt. W. H. Tucker, for back pay | 368 38 |
| Mar. 16 | 20 | Institute for Deaf and Dumb, for buildings, repairs and current expenses | 34,176 00 |
| Mar. 16 | 21 | Chaplains of the legislature, each $25 | 200 00 |
| | | William T. Fish, for extra mason work on rotunda | 1,200 00 |

STATE OF WISCONSIN, } ss.
SECRETARY'S OFFICE, }

I, Ll. Breese, secretary of state of the state of Wisconsin, do hereby certify, that I have compared the foregoing list with the original acts of appropriations deposited in this office, and that the same is a complete list of all appropriations made at the last session of the legislature.

In testimony whereof, I have hereunto set my hand and affixed the great [L. S.] seal of the state, at the capitol, in Madison, this 3d day of May, 1870.

LL. BREESE,
*Secretary of State.*

# STATEMENT

SHOWING THE TIMES AND PLACES FOR HOLDING CIRCUIT COURTS IN THE SEVERAL COUNTIES OF THIS STATE.

*Prepared by the Secretary of State in accordance with Chap.* 145, *G. L. of* 1869.

| COUNTIES. | TERMS. | WHERE HELD. | LAWS. |
|---|---|---|---|
| | FIRST CIRCUIT. | | |
| Green* ... | 4th Monday of February.<br>4th Monday of September<br>2d Monday of July ..... | Monroe ..... | Ch. 83, G. L. 1870. |
| Walworth . | 3d Monday in September.<br>3d Monday in February..<br>2d Monday in June..... | Elkhorn ..... | Ch. 18, G. L. 1869. |
| Racine ... | 2d Monday in October .<br>2d Monday in March ....<br>3d Monday in June..... | Racine..... | Ch. 18, G. L. 1869. |
| Kenosha .. | Wednesday after 1st Monday in November ....<br>Wednesday after 1st Monday in April.....<br>2d Monday in August.... | Kenosha ..... | Ch. 18, G. L. 1869. |
| Rock* .... | 4th Monday in November<br>4th Monday in April ....<br>3d Monday in August... | Janesville..... | Ch. 18, G. L. 1869. |
| | SECOND CIRCUIT. | | |
| Milwaukee. | 2d Monday in January...<br>4th Monday in April ....<br>4th Monday in June.....<br>3d Monday in September | Milwaukee ..... | Ch. 254, G. L. 1864. |
| Waukesha | 3d Monday in March ....<br>1st Monday in December.<br>2d Monday in June, [Law Term] ..... | Waukesha ..... | Ch. 248, P. & L. 1866. |

* By chapter 89 general laws of 1870, on and after the first day of January, 1871, th counties of Green, Rock and Jefferson are to constitute a new circuit, to be known a the twelfth judicial circuit.

| COUNTIES. | TERMS. | WHERE HELD. | LAWS. |
|---|---|---|---|
| | THIRD CIRCUIT. | | |
| Marquette. | Tuesday after 4th Monday in May.....<br>Tuesday after 4th Monday in November..... | Montello..... | Ch. 22, G. L. 1870. |
| Green Lake | 2d Monday in January...<br>1st Monday in June..... | Dartford..... | Ch. 22, G. L. 1870. |
| Dodge.... | 4th Monday in September<br>4th Monday in February .<br>Spec'l terms may be called | Juneau..... | Ch. 22, G. L. 1870.<br>Ch. 161, G. L. 1868. |
| Wash'ngt'n | 3d Monday in March ....<br>3d Monday in October...<br>Special term 2d Monday in January..... | West Bend..... | Ch. 22, G. L. 1870.<br>Ch. 194, G. L. 1864. |
| Ozaukee .. | 1st Monday in April.....<br>1st Monday in November<br>Special term 2d Monday in July..... | Port Washington.. | Ch. 22, G. L. 1870.<br>Ch. 194, G. L. 1864. |
| Winnebago | 3d Monday in April.....<br>1st Monday in September<br>2d Monday in December | Oshkosh .. ..... | Ch. 22, G. L. 1870. |
| | FOURTH CIRCUIT. | | |
| Sheboygan | 1st Monday in March....<br>1st Monday in June.....<br>4th Monday in November | Sheboygan..... | Ch. 107, G. L. 1869. |
| Calumet .. | 3d Monday in June.....<br>2d Monday in December. | Chilton..... | Ch. 107, G. L. 1869. |
| Manitowoc | 4th Tuesday in June.....<br>3d Tuesday in December | Manitowoc..... | Ch. 107, G. L 1869. |
| Kewaunee. | 4th Tuesday in January..<br>4th Tuesday in July..... | Kewaunee..... | Ch. 107, G. L. 1869. |
| FondduLac | 1st Monday after 1st day of January.....<br>1st Monday in April.....<br>1st Monday in October ..<br>Special term 1st Monday in May.....<br>Special term 1st Monday in July..... | Fond du Lac ..... | Ch. 107, G. L. 1869. |

| COUNTIES. | TERMS. | WHERE HELD. | LAWS. |
|---|---|---|---|
| | FIFTH CIRCUIT. | | |
| Grant..... | 1st Monday in March.....<br>2d Monday in September.. | Lancaster..... | Ch. 42, G.L. 1870. |
| Iowa..... | 4th Monday in March.....<br>1st Monday in October.... | Dodgeville..... | Ch. 42, G.L. 1870. |
| La Fayette | 4th Monday in June.....<br>1st Monday in December.. | Darlington..... | Ch. 42, G.L. 1870. |
| Richland.. | 2d Monday in April.....<br>4th Monday in October... | Richland Center | Ch. 42, G.L. 1870. |
| Crawford.. | 1st Monday in June .....<br>2d Monday in November... | Prairie du Chien | Ch. 42, G.L. 1870. |
| | SIXTH CIRCUIT. | | |
| Clark ..... | 1st Tuesday in March.....<br>1st Tuesday in September.. | Neillsville..... | Ch. 2, G. L. 1869. |
| Jackson*.. | 2d Tuesday in March .....<br>2d Tuesday in September.. | Black River Falls | Ch. 2, G. L. 1869. |
| Monroe* .. | 4th Tuesday in March .....<br>4th Tuesday in September.. | Sparta..... | Ch. 2, G. L. 1889. |
| La Crosse* | 2d Tuesday in May..... ..<br>2d Tuesday in November .. | La Crosse..... | Ch. 2, G. L. 1869. |
| Vernon ... | 2d Monday in June .....<br>1st Monday in December .. | Viroqua..... | Ch. 2, G. L. 1869. |
| Buffalo ... | 1st Tuesday in May.....<br>3d Tuesday in October.... | Alma..... | Ch. 2, G. L. 1869. |
| Tremp'leau | 4th Tuesday in April.....<br>2d Tuesday in October.... | Galesville..... | Ch. 2, G. L. 1869. |
| | SEVENTH CIRCUIT.† | | |
| Marathon.. | 2d Monday in March .....<br>3d Monday in August..... | Wausau..... | C. 369, G.L. '62<br>C. 350, G.L. '64 |
| Portage... | 1st Monday in January.....<br>1st Monday in July..... | Stevens Point... | Ch. 10, G.L. 1869. |
| Waushara. | 4th Monday in March.....<br>2d Monday in September.. | Wautoma ..... | Ch. 41, G.L. 1870. |
| Waupaca.. | 1st Monday in June .....<br>2d Monday in December .. | Waupaca..... | Ch. 48, G.L. 1867. |

* Regular terms in the counties of La Crosse, Monroe and Jackson shall be special terms for the whole circuit.—(Chap. 93, P. and L. L., 1866.)

† Regular terms are made special terms for whole circuit.—(Chap. 36, G. L. 1870.)

| COUNTIES. | TERMS. | WHERE HELD. | LAWS. |
|---|---|---|---|
| | SEVENTH CIRCUIT—continued. | | |
| Adams*... | 4th Monday in April....<br>3d Monday in October... | Friendship..... | Ch. 369, G.<br>L. 1862. |
| Juneau.... | 1st Monday in May.....<br>4th Monday in October.. | Mauston..... | Ch. 369, G.<br>L. 1862. |
| Wood..... | 2d Monday in February..<br>2d Monday in August.... | Grand Rapids..... | Ch. 98, G.<br>L. 1867. |
| | EIGHTH CIRCUIT. | | |
| Chippewa . | 3d Monday in March....<br>3d Monday in September. | Chippewa Falls... | Ch. 34, G.<br>L. 1868. |
| Dunn and Dallas .... | 2d Monday in March....<br>2d Monday in September. | Menomonee ..... | Ch. 34, G.<br>L. 1868. |
| Eau Claire. | 4th Monday in March....<br>4th Monday in September. | Eau Clarie..... | Ch. 34, G.<br>L. 1868. |
| Pepin..... | 1st Monday in March....<br>1st Monday in September. | Durand ..... | Ch. 34, G.<br>L. 1868. |
| Pierce .... | 4th Monday in May.....<br>4th Monday in November. | Ellsworth..... | Ch. 116, R.<br>S. |
| St. Croix.. | 2d Monday in May.....<br>2d Monday in November. | Hudson ..... | Ch. 116, R.<br>S. |
| | NINTH CIRCUIT. | | |
| Columbia.. | 3d Tuesday in May.....<br>1st Tuesday in December. | Portage..... | Ch. 149, G.<br>L. 1867. |
| Dane ..... | Wednesday after 1st Monday in April.....<br>Wednesday after 1st Mon-Monday in November.<br>Special term 2d Tuesday in July..... | Madison ..... | Ch. 9, G. L.<br>1869.<br>Ch. 149, G.<br>L. 1867. |
| Jefferson †. | 1st Monday in February..<br>1st Monday in September.<br>Special term 4th Tuesday in June..... | Jefferson ..... | Ch. 180, G.<br>1869.<br>Ch. 149, G.<br>L. 1867. |
| Sauk..... | Tuesday after 1st Monday in January.....<br>2d Tuesday in June..... | Baraboo ..... | Ch. 556, P.<br>L. 1866.<br>Ch. 145, G.<br>L. 1867. |

*From and after the first day of July, 1870, the general terms of the circuit court for Adams county are to be held on the third Monday in October and the third Monday in March, in each year. Chapter 143, general laws of 1870.

†By chapter 89, general laws of 1870, on and after the first day of January, 1871, the counties of Green, Rock and Jefferson are to constitute a new circuit to be known as the twelfth judicial circuit.

| COUNTIES. | TERMS. | WHERE HELD. | LAWS. |
|---|---|---|---|
| | TENTH CIRCUIT.* | | |
| Outagamie | 3d Monday in June.....<br>4th Monday in November | Appleton ..... | Ch. 29, G. L. 1869. |
| Oconto ... | 1st Tuesday after 1st Monday in May.....<br>1st Tuesday after 1st Monday in October ..... | Oconto ..... | Ch. 29, G. L. 1869. |
| Shawano.. | 1st Tuesday after 1st Monday in February.....<br>Tuesday after 1st Monday in August..... | Shawano ..... | Ch. 29, G. L. 1869. |
| Door ..... | 1st Tuesday after 3d Monday in July .....<br>1st Tuesday after 3d Monday in February ..... | Sturgeon Bay..... | Ch. 29, G. L. 1869. |
| Brown.... | 3d Monday in January..<br>4th Monday in May .....<br>4th Monday in October .. | Green Bay ..... | Ch. 127, G. L. 1870. |
| | ELEVENTH CIRCUIT. | | |
| Bayfield & Ashland | 3d Monday in February.<br>3d Monday in August... | Bayfield..... | Ch. 26, G. L. 1867. |
| Douglas... | 1st Monday in February .<br>1st Monday in August... | Superior City..... | Ch. 26, G. L. 1867. |
| Polk and Burnett. | 2d Monday in April ....<br>4th Monday in October .. | Osceola Mills..... | Ch. 26, G. L. 1867. |
| | TWELFTH CIRCUIT.† | | |
| Rock ..... | 4th Monday in November<br>4th Monday in April ....<br>3d Monday in August... | Janesville ..... | Ch. 18, G. L. 1869. |
| Green .... | 4th Monday of February.<br>4th Monday of September<br>2d Monday of July ..... | Monroe ..... | Ch. 89, G. L. 1870. |
| Jefferson.. | 1st Monday in February .<br>1st Monday in September<br>Special term 4th Tuesday in June..... . | Jefferson..... | Ch. 180, G. L. 1869.<br>Ch. 149, G. L. 1867. |

* Every term in each county except the counties of Oconto, Shawano and Door are special terms for the whole circuit. (Chap. 39, P. & L., 1866.)

† The act organizing the twelfth judicial circuit, chapter 89, general laws of 1870, except for the election of a judge thereof and a change in the time of holding the terms in Green county, does not take effect till the first day of January, 1871.

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